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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED RULE

1) Heading of the Part: Boiler and Pressure Repairer Regulations

2) Code Citation: 41 Ill. Adm. Code 121

3) Section Numbers:

Proposed Action:
121.1) New Section
121.2) New Section
121.3) New Section
121.4) New Section
121.5) New Section
121.6) New Section
121.7) New Section
121.8) New Section
121.9) New Section
121.10) New Section

4) Statutory Authority: Implementing the Boiler and Pressure Vessel Repairer Regulation Act 725 ILCS 2-11.

5) A Complete Description of the Subjects and Issues Involved: The recently enacted Boiler and Pressure Vessel Repairer Regulation Act requires the Board of Boiler and Pressure Vessel Rules to enact a licensing program for persons who repair boilers and pressure vessels.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Not applicable.

11) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: The Board will accept written comments for a period of 45 days after the date of this publication. The written comments should be directed to:

John C. Pankin, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4269

12) Initial Regulatory Flexibility Analysis:

A) Types of Small Businesses, Small Municipalities and not-for-profit

OFFICE OF THE STATE FIRE MARSHAL
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Corporations affected: Businesses that repair boilers and pressure vessels by welding.

B) Regulating, bookkeeping or other procedures required for compliance: Businesses that weld on boiler and pressure vessels will be required to possess an "A" stamp issued by the National Board of Boiler and Pressure Vessels Inspectors. The stamp will be issued to businesses that demonstrate compliance with the requirements for quality assurance, manufacturing procedures and keeping data on qualifications of welders, pressure vessels and welding fields. The "A" stamp is already required for welded pressure vessels but enforcement is upon the owner of the boiler rather than the repair firm.

C) Types of professional skills necessary for compliance: Ability to write and maintain procedures and order qualifications.

13) Regulatory Agenda on which this rulemaking was announced: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time of the most recent agendas.

The full text of the Proposed Rule begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULE

TITLE 41: FIRE PROTECTION
CHAPTER 1: STATE FIRE MARSHAL

PART 121

BOILER AND PRESSURE VESSEL
REPAIRER REGULATIONS

Section

- 121.10 Definitions
- 121.20 Application
- 121.20 Application for Registration
- 121.20 Communication by Organization
- 121.20 Changes in Location of Offices
- 121.20 Change of Ownership
- 121.20 Registration Change in Registration
- 121.20 Records and Documents to be kept by Boiler or Pressure Vessel Repairer
- 121.20 Retention of Books, Records, Forms and Stationery
- 121.20 Renewals

AUTHORITY: Implementing the Boiler and Pressure Vessel Repairer Regulation Act (215 ILCS 201.0/1) and authorized by Section 25 of that Act (215 ILCS 201.0/25).

SOURCE: Adopted at 20 Ill. Reg. effective _____.

Section 121.10 Definitions.

The following definitions shall apply to this Part:

"Act" means the Boiler and Pressure Vessel Repairer Regulation Act (215 ILCS 201.0).

"Board" means the Board of Boiler and Pressure Vessel Rules.

"Boiler and Pressure Vessel Repairer" means an organization performing any welding, bolting, and pressure vessel work that affects pressure retaining components and includes, but is not limited to, repairs and alterations to boilers, pressure vessels, and piping. Code 121.10, however, is not intended to regulate the repair and alteration of pressure vessels, piping, and other components of a pressure vessel system. Code 121.10 is not required to be authorized pursuant to 121.10 Ill. Ann. Code 121.10 is not required to have a license.

"Certificate of Registration" means a certificate issued by the Office pursuant to the Boiler and Pressure Vessel Repairer Regulation Act.

"Managerial or Administrative Control" means having authority to conduct the affairs of the Organization and direct others in the

OFFICE OF THE STATE FIRE MARSHAL

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conduct of the affairs or business of the organization.

"Office" means the office of the State Fire Marshal.

"Organization" means a business or other entity, including, but not limited to, a sole proprietorship, partnership, corporation or association and includes units of local government and the State of Illinois.

"State Fire Marshal" means Executive Director of the Office of the State Fire Marshal of the State of Illinois.

Section 121.20 Officer

- a) If the Organization is a sole proprietorship, the owner of the Organization or any person exercising managerial control shall be considered an officer.
- b) If the Organization is a partnership, any partner who has at least a 10 percent ownership interest in the partnership and exercises managerial control shall be considered an officer.
- c) If the Organization is a corporation, any officer or director of the corporation or any person who has at least 10 percent ownership interest in such corporation or who exercises managerial control shall be considered an officer.

Section 121.30 Application for Registration

All applications for registration as a boiler or pressure vessel repairer shall be submitted to the Office, on forms provided by the Office, and include:

- a) Persons and Organizations who desire to practice boiler or pressure vessel repairs in this State, in accordance with Section 2 of the Act, shall file an application with the Office, on forms provided by the Office, together with the following:

- 1) A valid Certificate of Authorization to use the "V" Repair Mark Stamp issued by the National Board of Boiler and Pressure Vessel Inspectors;
- 2) The name and address of all officers as defined in Section 121.10 of the Boiler and Pressure Vessel Repairer Regulation Act, and an affidavit sworn to by the officers and signed by the repairer, stating that the address and name is not fictitious and an address book number is not applicable;
- 3) If an assumed name is to be used, a copy of the assumed name certificate;
- 4) The appropriate fee as stated below:
 - A) For an initial Certificate of Registration \$300.00
 - B) A renewal of Certificate of Registration \$150.00 (every three years); and
- 5) A Certificate of Insurance in the amount of \$300,000.00 to cover

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULE

losses, naming the Office as a person to be notified in the event of cancellation or nonrenewal.

- b) Corporations, in addition to the requirements of subsection (a) above, shall submit the following:

- 1) The name of the corporation and its registered address, and the name and address of the Registered Agent;
- 2) A copy of the Articles of Incorporation bearing the seal of the officer, in the jurisdiction in which the Corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the Certificate of Authority to transact business in this State is also required; and
- 3) If an assumed name is to be used, a copy of the assumed name certificate.

- c) Partnerships, in addition to the requirements of subsection (a) above, shall submit the following:

- 1) An application containing the name of the Partnership and its business, address and the names and addresses of all general partners;
- 2) An affidavit stating that the partnership has been legally formed;

- d) Limited Partnerships, in addition to the requirements of subsections (a) and (c) above, shall submit the following:

- 1) A letter of authority from the Secretary of State's Limited Partnership Department; and
- 2) A listing of all limited partners.

- e) Upon receipt of the above documents and review of the application, the Office shall issue a Certificate of Registration authorizing the Organization to engage in boiler and pressure vessel repairs or shall notify the applicant of the reason for the denial of such license.

Section 121.40 Communication by Organization

A boiler or pressure vessel repairer shall use in all communications only the Organization name or trade-name exactly as it appears on the Organization's Certificate of Registration (the certificate) issued by the Office of the State Fire Marshal. The Organization shall not use any other name. The Office of the State Fire Marshal cannot use a name such as ABC Heating and Cooling Company).

Section 121.50 Changes of Location of Offices

If an Organization changes the location of an existing office other than at the time of renewal, the Organization shall notify the Office in writing of the new address at least 10 days prior to the change of location and file the required application and fee of \$50.00.

Section 121.60 Change of Ownership

When 51% of the assets, stock or equity of a boiler or pressure vessel repairer

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Organization are sold, a new boiler or pressure vessel repairer application shall be filed with the Office in accordance with Section 121.30.

Section 121.70 Termination or Change in Registration

- a) The Certificate of Registration shall terminate when the:

- 1) Organization ceases operation;
- 2) Organization ceases to operate under the name on Certificate of Registration;
- 3) Certificate of Insurance is nonrenewed or cancelled;
- 4) Certificate of Registration is revoked;
- 5) Period for which the Certificate of Registration has ended and no renewal has been issued by the Office; or
- 6) Organization ceases to possess an "R" Stamp as required by Section 121.30.

- b) The Organization shall notify the Office in writing by certified mail within 10 days after the Organization ceases to operate or ceases to operate under the name on the certificate.

- c) In the event of a change of the Organization name, the registrant must apply for a new Certificate of Registration in advance of the effective date of such change. The application shall be handled as an initial application.

- d) All notices required by this Section shall be sent to the Office at its headquarters in Springfield, addressed to the Chief Inspector of Boiler and Pressure Vessel Safety. The address is 1035 Stevenson Drive, Springfield, IL 62703-4159.

Section 121.80 Records and Documents to be Kept by Boiler or Pressure Vessel Repairer

- a) The current Certificate of Registration shall be prominently displayed at the location where the Organization conducts business.

- b) All records required by 41 Ill. Adm. Code 270.

Section 121.90 Availability of Books, Records, Forms and Stationery

All books, records, forms and stationery associated with boiler or pressure vessel repair shall be made available to the Office upon request. Failure to furnish, for a period of 30 days, the records available to the Office shall be grounds for denial, suspension, or revocation of the Organization's registration under Section 65 of the Act.

Section 121.100 Renewals

- a) Each Certificate of Registration issued under the Act shall be issued for a period of three years. A renewal notice, along with the renewal forms, will be sent to the registrant ninety days prior to the expiration date. Upon receipt of the completed renewal forms and the

OFFICE OF THE STATE FIRE MARSHAL

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- appropriate fee, the Office will issue the new Certificate of registration. Responsibility of each registrant to notify the Office of any change of address.
- c) Failure to receive a renewal form from the Office shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- d) In addition to the renewal fee, a reinstatement fee of \$100.00 shall be assessed for each Organization failing to renew within 60 days after the end of the license period. A sole proprietorship may have the renewal and reinstatement fees waived if the person "as an active duty in the military pursuant to Section 50 of the Act.

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- 1) Heading of the Part: Boiler and Pressure Vessel Rules for Hearings

- 2) Code Citation: 41 Ill. Adm. Code 123

- 3) Section Numbers:

Proposed Action:

- 123.1 New Section
123.10 New Section
123.20 New Section
123.30 New Section
123.40 New Section
123.50 New Section
123.60 New Section
123.70 New Section
123.80 New Section
123.90 New Section
123.100 New Section
123.110 New Section
123.120 New Section
123.130 New Section
123.140 New Section
123.150 New Section
123.160 New Section
123.170 New Section
123.180 New Section
123.190 New Section
123.200 New Section
123.210 New Section
123.220 New Section
123.230 New Section
123.240 New Section
123.250 New Section
123-Appendix A New Section
123-Appendix B New Section
123-Appendix C New Section
123-Appendix D New Section

- 4) Statutory Authority: Implementing the Boiler and Pressure Vessel Safety Act [330 ILCS 75.1] and the Boiler and Pressure Vessel Repair Regulation Act [325 ILCS 103] authorized by Section 16 of the Boiler and Pressure Vessel Safety Act [330 ILCS 75.16] and Section 13 of the Boiler and Pressure Vessel Repair Regulation Act [325 ILCS 103.13].

- 5) A Complete Description of the Subjects and Issues Involved: These rules provide the procedural and substantive rules for hearings before the Board of Boiler and Pressure Vessel Rules.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Not applicable

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Office will accept written comments for a period of 45 days after the date of this publication. The written comments should be directed to:

John J. Pavlov, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4293

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit organizations affected: Boiler and Pressure Vessel Repair Organizations and other parties who may be impacted by rules of the Board of Boiler and Pressure Vessel Rules.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated at the time of the most recent agendas.

The full text of the Proposed Rule Begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULE

TITLE 41: FIRE PROTECTION
CHAPTER 1: STATE FIRE MARSHAL

PART 133

BOILER AND PRESSURE VESSEL
RULES FOR HEARINGS

Section

- 123.5 Applicability
- 123.10 Definitions
- 123.15 Initiation of a Contested Case by the Office
- 123.20 Initiation of a Contested Case by Petitioner
- 123.40 Joinder
- 123.50 Form of Papers
- 123.60 Service
- 123.70 Notice
- 123.80 Prehearing Negotiations
- 123.90 Representation
- 123.100 Failure to Appear
- 123.110 Amendment, Withdrawal of Complaints and Petitions for Hearing
- 123.120 Requirement of an Answer
- 123.130 Discovery
- 123.140 Subpoenas
- 123.150 Excluding Conference
- 123.160 Sanctions
- 123.170 Hearing Officers
- 123.180 Examination by the Board
- 123.190 Burden of Proof
- 123.200 Documents
- 123.210 Motions
- 123.220 Evidence
- 123.230 Adverse Witness
- 123.240 Board Reports
- 123.250 Severability
- 123-APPENDIX A Caption for a Case Filed by the Office
- 123-APPENDIX B Caption for a Petition for Restoration
- 123-APPENDIX C Caption for an Application for License
- 123-APPENDIX D Caption for Other Relief (e.g., State Special, Denial of Certificate of Inspection)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act (430 ILCS 75) and the Boiler and Pressure Vessel Repair Regulation Act (225 ILCS 203) and authorized by Section 16 of the Boiler and Pressure Vessel Safety Act (430 ILCS 75/16) and Section 25 of the Boiler and Pressure Vessel Repair Regulation Act (225 ILCS 203/25).

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____, effective _____.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULE

Section 123.5 Applicability

These rules shall apply to all hearings conducted under the jurisdiction of the Board pursuant to the Boiler and Pressure Vessel Safety Act and the Boiler and Pressure Vessel Registration Act.

Section 123.10 Definitions

"Civil Administrative Code of Illinois" means 20 ICS 2905.

"Board" means the Board of Boiler and Pressure Vessel Rules.

"Discipline" means suspension, revocation, probation, refusal to issue or renew a Certificate of Registration.

"Office" means the Office of the State Fire Marshal.

"State Fire Marshal" means the Executive Director of the Office or duly appointed Acting Director, or, in his absence from the State or in any event of his incapacity to act, his next immediate subordinate statutory officer within the Office.

"Hearing" means any hearing authorized to be held by the Board pursuant to statute.

"Petitioner" is a party who by written petition or application seeks relief, license under any provision of the Statutes of the State of Illinois governing the Board's rules, regulation, order or determination of the Office or the Board.

"Registrant" means any holder of a Certificate of Registration issued by the Office or any applicant therefor.

"Respondent" is a person, firm, association or corporation against whom complaint or petition is filed or to whom an order or complaint is directed by the Office.

Section 123.20 Initiation of a Contested Case by the Office

- A contested case is initiated by the Office when a Complaint and Notice are mailed to the licensee's last known address, postage prepaid.
- A Complaint shall be in writing, signed by the Chief Inspector, and shall include a clear statement of the acts or omissions alleged to violate a statute or rule, and citation of the statute or rule, and any discipline to be imposed.
- A Notice shall be in writing, and shall contain the date, time, place and nature of the hearing to be held, shall refer to these rules, and

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULE

shall comply with the Notice requirements of Section 123.70 of this Part.

Section 123.30 Initiation of a Contested Case by Petitioner

- A contested case is initiated by a petitioner when a Petition for Hearing is mailed to the Office, Attention: Chief Inspector, Boiler and Pressure Vessel Safety, 1035 Stevenson Drive, Springfield, IL 62703-4259, post-age prepaid.
- In a case where petitioner seeks to contest a decision by the Office to deny his application for license, the Petition for Hearing will be in writing, signed by the petitioner, and state with specificity the particular reasons why the applicant believes that the action by the Office to deny license was incorrect.
- In a case where a petitioner is seeking restoration of a Certificate of Registration which was revoked or suspended, the Petition for Hearing shall be in writing, signed by the petitioner, and shall set forth:
 - The identification number of the certificate which was suspended or revoked;
 - The date, number of the case which resulted in discipline;
 - The date on which the suspension or revocation was lifted;
 - Whether the petitioner suspended or revoked the license was appealed and if so, whether a stay of the imposition of discipline was granted by any reviewing court; and
 - Date and disposition of any previous petitions for restoration filed since the discipline was imposed.
- Upon receipt by the Chief Inspector of a properly completed Petition for Hearing, a case will be docketed, and Notice sent to the petitioner setting forth the date, time, and place of hearing.

Section 123.40 Joinder

In the interest of the efficient disposition of related cases, the Office may join cases relating to multiple respondents or petitioners without regard to whether the cases relate to the same license as long as the cases involve issues of law or fact which are common to the parties. The respondent may contest the decision to join cases by filing a motion pursuant to Section 123.210(a)(4) of this Part.

Section 123.50 Form of Papers

All papers filed or submitted to the Office or Board in a contested case shall be typewritten, on 8 1/2 by 11 inch white paper. The first page of each document shall set forth the name of the parties and the case number assigned to the case. All pleadings shall be filed in the Office and shall become a docket number. The Office assigned shall contain a space for entry of the assigned number. (See Appendix A.)

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NOTICE OF PROPOSED RULE

NOTICE OF PROPOSED RULE

Section 123.60 Service

- a) Service of any document may be by mail or by personal delivery. Proof of service will be attached to the original if any document served. In the absence of evidence to the contrary, the date shown on the proof of service shall be deemed the date of service.
- b) Service on the State Fire Marshal, or on the Office of the State Fire Marshal, shall be made by depositing the document with the State Fire Marshal, or on the Springfield Headquarters of the State Fire Marshal, at the Springfield Headquarters of the State Fire Marshal.
- c) Service of any document as provided in this Section shall include at least three copies of the documents served.

Section 123.70 Notice

- a) Notice shall include:
 - 1) A statement of the date, time, place and nature of the hearing;
 - 2) A statement of the legal authority and jurisdiction under which the hearing is to be held; and
 - 3) Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted. [5 ILCS 123.70(a)(3)]
- b) Except as otherwise provided by statute, the registrant will be given at least ten days notice prior to the first date set for the preliminary hearing or hearings, as the case may be. Once such notice is given, it will thereafter be the responsibility of the registrant to become acquainted with subsequent hearing dates.
- c) Nothing in this Section will prevent the Office from scheduling a hearing within ten days after the date in which the Office summarily suspends a person's license pending the completion of proceedings. Any contention that such summary suspension is in violation of the law, unless it is raised by the registrant prior to assumption of any other motion, or, if no other motions are presented, prior to the commencement of opening statements.
- d) Proper notice is given by depositing a notice with the U.S. Postal Service either by certified or registered mail, or by personal service to the last known address of the registrant.

Section 123.80 Prehearing Negotiations

- a) The Board may form Committees of its members to participate in hearings, and along with the hearing officer, submit reports to the full Board.
- b) The Office and the respondent may stipulate to facts and may agree to discipline conditioned upon Board acceptance. If the agreement is acceptable to the Committee, it shall signify its consent with signatures of a majority of its members on the written agreement. Such signed agreement shall be considered the Conclusions of Law.

Findings of fact, and recommendation to the Board. If the Board rejects the agreement, the respondent shall then be entitled to a hearing on the merits. It shall not be a bar to participation in the hearing by a member that has previously considered a proposed agreement under this Section.

- c) A respondent may waive his right to have discipline imposed only upon the action and report in writing of the Board.

Section 123.90 Representation

- a) A party may be represented by an attorney who is licensed in Illinois. Attorneys who appear in a representative capacity must file written notice of appearance setting forth:
 - 1) The name, address and telephone number of the attorney;
 - 2) The name and address of the party represented; and
 - 3) An affirmative statement indicating that the attorney is licensed in Illinois.
- b) An attorney may withdraw from employment as a representative only upon written notice to the Office, stating the specific reasons therefor.
- c) Any individual may appear on his or her own behalf.
- d) A corporation may be represented by an officer, upon presentation to the Office of a duly executed resolution of the Board of Directors authorizing the action in a representative capacity and setting forth the power which the officer is authorized to exercise.
- e) A partnership may be represented by any partner, upon presentation to the Office of written authorization from all the partners authorizing action in a representative capacity.
- f) Any failure to behave in a manner which permits the efficient functioning of the Office will authorize the Board or hearing officer to take any of the following actions:
 - 1) Limitation of evidence and argument in place of oral argument;
 - 2) Exclusion of witnesses from the hearing;
 - 3) Suspension or revocation of the person, including an attorney's right to appear before the Board or hearing officer;
 - 4) If any of the above actions are taken by the Board or hearing officer, it shall be done as a matter of record, and the Board or hearing officer shall state for the record the specific reasons therefor.

Section 123.100 Failure to Appear

Failure to appear at the time and place set for hearing shall be deemed a waiver of the right to present evidence. After presentation by the Office of an offer of proof that the registrant was given proper notice, the Board shall make its recommendation. Where a petitioner fails to appear, the Petition for Hearing shall be dismissed.

Section 123.110 Amendment, Withdrawal of Complaints and Petitions for Hearing

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED RULE

- a) The Complaint may be amended at any time. An Amended Complaint may be filed in the same manner as a Complaint, or it may be presented to the Committee or hearing officer during the course of the hearing. A continuance shall be granted whenever the amendment materially alters the Complaint and where the registrant demonstrates that he would otherwise be unable to properly prepare an Answer to the Amended Complaint or prepare his case.
- b) A Complaint or Petition for Hearing may be withdrawn at any time prior to the hearing by the party who initiated it. After a hearing has begun, a Complaint may be withdrawn only upon written notice to the Board.

Section 123.120 Requirement of an Answer

- a) In all contested cases initiated by the Officer, the registrant shall file an Answer within ten days after the date on which the Complaint was served. The Answer shall be in writing, signed by the registrant or his representative, and shall contain a specific response to each allegation in the Complaint. The response shall either admit, or deny the allegation, or state that the registrant has insufficient information to admit or deny the allegation.
- b) Any Answer containing a denial of an allegation shall be accompanied by an affidavit attesting to the truth of this assertion.
- c) On motion by the Officer, the hearing officer will cause to be issued a Notice to Plead. The Respondent will be held in default, if within 15 days after issuance of such Notice, the Respondent does not answer or otherwise file a responsive pleading.

Section 123.130 Discovery

- a) Discovery shall not be the subject of motions presented to the Board or hearing officer, except when a motion is made alleging failure to comply with this Section, and requesting relief in the form of dismissal of the case or recommendation to the Board based on the pleadings without a hearing.
- c) Upon written request served on the opposing party, any party shall be entitled to:
 - 1) The name and address of any witness who may be called to testify;
 - 2) Copies of any documents which may be offered as evidence; and
 - 3) A description of any other evidence which may be offered.
- c) The description of any other evidence which may be offered.
- d) A request for information will be provided within ten days after service of a request.
- d) Whether or not a request is made, during discovery a registrant shall be entitled to:
 - 1) Any exculpatory evidence in the Officer's possession. Exculpatory evidence is any evidence which tends to support the registrant's position or to call into question the credibility of an Officer

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- a) witness; and
- 2) Copies of any investigative report which purports to be a memorandum of an interview of the registrant.
- e) The registrant is entitled to know whether or not the investigator is called to testify, and whether or not the investigator's reports are to be read in full or in part during testimony.
- f) Upon a written request served on the registrant, at any time after a Complaint is filed, or at any stage of the hearing, the registrant will be required to produce documents, books, records or other evidence which relates directly to conduct alleged in the Complaint.
- g) The investigative file of the Office is not subject to discovery except as stated in subsection d) above relating to exculpatory evidence and memoranda of interviews of a registrant. However, after the direct examination of an officer witness, but prior to the cross-examination of that witness, the registrant shall be entitled to all investigative reports relating to that witness. Investigative reports relating to the witness shall be those which purport to be memoranda of interviews of the witness or which contain information about the witness.
- h) Nothing in this Section shall prevent the parties in a contested case from agreeing to a mutual exchange of information which is more extensive than what is provided for herein. Where the parties agree to the use of an evidence deposition, such agreement will be in writing, and will operate as a waiver of any objection not made during the deposition, except for an objection to the testimony of the witness not relevant to the case.
- i) This provision shall not be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.

Section 123.140 Subpoenas

- a) The State Fire Marshal or his delegate will issue subpoenas for the attendance of witnesses or production of books, records, documents or other evidence.
- b) Any registrant or petitioner seeking issuance of a subpoena will apply in writing to the Officer, Attention: Chief Inspector, setting forth facts which purport to demonstrate that the subpoena is required. Upon refusal by the State Fire Marshal to issue any subpoena, the registrant will be entitled to a hearing before the State Fire Marshal, to be conducted as a matter of fact.
- c) Service of subpoenas and payment of witness fees and expenses shall be as provided in the Civil Administrative Code of Illinois.

Section 123.150 Prehearing Conference

- a) After a case is initiated, upon the written motion of either party, or on its own motion, the Board or the hearing officer may direct the parties to attend a prehearing conference.

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- b) Unless waived by the parties, the conference will be conducted as a matter of record. Participation by any Board member, committee, or a hearing officer will not affect the right to participate in a subsequent hearing on the matter.
- c) The purposes of the conference include:
- 1) Simplification of issues;
 - 2) Limitation of issues;
 - 3) Negotiation, admissions or stipulations;
 - 4) Limitation of witnesses or evidence;
 - 5) Exchange of exhibits; or
 - 6) Discussion of any other matter which may aid in efficient disposition of the case.

Section 123.160 Hearings

The sequence to be followed for all contested cases is as follows:

- a) Preliminary Hearing. The purpose is to set a date on which all parties expect to be prepared and to rule on any preliminary motions which are presented. This may be eliminated by agreement of the parties, or the Board, or by the hearing officer.
- b) Prehearing Conference - Optional. The purposes are set out in Section 123.170.
- c) Hearing.
 - 1) Preliminary Matters - Motion, attempts to narrow issues or limit evidence.
 - 2) Opening Statements - The party bearing the burden of proof proceeds first.
 - 3) Case in Chief - Evidence and witnesses are presented by the party bearing the burden of proof. As witnesses' testimony is completed, they are subject to cross-examination.
 - 4) Defense - Evidence and witnesses may be presented by the opposing parties.
 - 5) Closing Statements - The party bearing the burden of proof proceeds first, then the opposing party, then a final word by the party bearing the burden of proof.
 - 6) Board Report - Described in Section 123.240.

Section 123.170 Hearing Officers

- a) The Board shall conduct the hearing or may appoint any attorney licensed to practice law in Illinois to serve as a hearing officer.
- b) The hearing officer shall be empowered to conduct the hearing, question witnesses, take evidence in motions and objections, and/or submit suggestions, findings of fact and conclusions of law to the Board at the hearing. The hearing officer shall have the authority to rule on the Board's legal counsel. It is the hearing officer's duty during the course of the hearing and until a final order is signed, it shall not be a bar to employment as hearing officer that the attorney is also an employee

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of the Office.

Section 123.180 Examination by the Board

- a) Any member of any Board Committee, or any hearing officer, may examine any witness.
- b) Either party may object to specific questions asked by the Board Committee or hearing officer, but it shall not be objectionable that a question violates a technical rule of evidence. For purposes of these rules, the rule against hearsay is a substantive, rather than technical, rule of evidence.

Section 123.190 Burden of Proof

- a) The burden of proof rests with the Office in all cases initiated by the Office by the filing of a Complaint. A recommendation for discipline may be made by the Board or hearing officer only where the Office establishes by clear and convincing evidence that the allegations of the Complaint are true.
- b) The burden of proof in all cases initiated by the filing of a Petition for Hearing rests with the petitioner. The petitioner must prove by a preponderance of the evidence that the license should be granted or restored, as the case may be.

Section 123.200 Documents

- a) Business records shall be admissible. A business record is:
 - 1) Relevant;
 - 2) A memorandum, report, record or data compilation;
 - 3) Made by a person with first-hand knowledge of the facts;
 - 4) Made at or near the time of the facts;
 - 5) Made as part of the regular practice of the activity; and
 - 6) Kept in the course of regularly conducted activity.
- b) Any party may prove elements (a)(3) through (a)(6) above by presentation of a sworn statement by an individual responsible for making or keeping such records. Business records include, but are not limited to, medical reports and police reports.
- c) Any party seeking introduction of a document will be allowed to offer a copy of the original without any showing that the original is unavailable, upon representation of the party or attorney that the copy is a fair and accurate copy of the original.

Section 123.210 Motions

- a) Motions will be made in writing, unless otherwise allowed by the Board, hearing officer or officer, during the course of a hearing. Written motions are limited to the following:
 - 1) To request dismissal of a Complaint, for failure to state facts

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- specific action as to type and duration.
- d) The Board may request that any hearing officer, any attorney for the Office of Board, or any attorney representing the Petitioner or Respondent assist in preparing a draft Board Report for its consideration.
 - e) Any member of the Board may join the Board in its decision, abstain, or may file a separate dissenting or concurring report.
 - f) Where a rehearing, or additional hearings are requested, the request shall be in the form of a motion and shall state with specificity the reasons for the request. If it is alleged that new evidence is available which was not available at the time of the hearing, the affidavit shall describe the new evidence and reasons why it was not available for use at the hearing.
 - g) Where a Board or hearing officer grants any motion which would dispose of the case, it shall first afford the parties an opportunity to cure the defects in pleading or proof.

Section 123.350 Severability

If any Section, subsection, sentence or clause of this Part shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining portions thereof.

OFFICE OF THE STATE FIRE MARSHAL

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Section 123.350 Appendix A Caption for a Case filed by the Office

STATE OF ILLINOIS
OFFICE OF THE STATE FIRE MARSHAL

OFFICE OF THE STATE FIRE MARSHAL)
of the State of Illinois,)
v.) No.
(Name of Respondent)
(License Number))
Respondent)

C O M P L A I N T

OFFICE OF THE STATE FIRE MARSHAL

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Section 133.APPENDIX B Caption for a Petition for Restoration

STATE OF ILLINOIS
OFFICE OF THE STATE FIRE MARSHAL

In RE the Petition for Restoration of)

(Name of Petitioner) No.

(License Number)

Petitioner)

PETITION FOR
HEARING

OFFICE OF THE STATE FIRE MARSHAL

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Section 133.APPENDIX C Caption for an Application for Licensure

STATE OF ILLINOIS
OFFICE OF THE STATE FIRE MARSHAL

IN RE THE APPLICATION FOR LICENSURE OF

(Name of Applicant) No. Applicant)

PETITION FOR
HEARING

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED RULE

Section 133 APPENDIX D Caption for Other Relief (e.g., State Special, Denial
of Certificate of Inspection)

STATE OF ILLINOIS
OFFICE OF THE STATE FIRE MARSHAL

Name of Petitioner:)
vs.)
OSFM, Respondent)

Petition for _____

HEALTH FACILITIES PLANNING BOARD
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading(s) of the Part(s): Narrative and Planning Policies
- 2) Code Citation: 77 Ill. Adm. Code 1100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1100.10	Amendment
1100.110	Amendment
1100.120	Amendment
1100.130	Amendment
1100.160	Amendment
- 4) Statutory Authority: Illinois Health Facilities Planning Act (20 ILCS 3960)

5) A Complete Description of the Subjects and Issues Involved: Part 1100 contains the Health Facilities Planning Board's (State Board) Rules regarding the development of health planning areas. The current language contained in the rules provides a general description on the development and application of geographic areas used by the State Board to develop health planning areas. Health planning areas are used by the State Board and the Illinois Department of Public Health (Department) in the development of statewide health facilities plans and in assessing the need for a proposed project under the Certificate of Need (CON) program. The amendments proposed herein are intended to amend 27 provisions of the existing rules to clarify the Department's medical-technical, planning, and intensive care planning area boundaries for these services, and establish 20 years ago, since that time, changes in the health care delivery system have altered or affected the patterns of patient referrals. The proposed amendments would provide and detail the rationale and methodology used to designate specified geographic areas of Illinois into formalized health planning areas. Additionally, the proposed amendments would change the bed need formula for the Obstetric category of service by reducing the length of stay factor (contained in the formula) from 3.5 to 2.5 days. This reduction is proposed due to decreases in the length of stay experienced by obstetrical patients throughout Illinois.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
1100.110	Amendment	March 15, 1986 (20 Ill. Reg. 4141)
1100.160	New Section	March 15, 1986 (20 Ill. Reg. 4141)

HEALTH FACILITIES PLANNING BOARD

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- 10) Statement of Statewide Policy Objectives: The purpose of the Illinois Health Facilities Planning Act (Planning Act) is to establish a procedure designed to contain health care costs by preventing unnecessary construction or modification of health care facilities. Section 12 of the Planning Act provides that the State Board develop health care facilities' plans of need. Proposed amendments to Part 100 will assist in this endeavor by categorizing health care facilities within specified health planning areas. Having facilities grouped into these designated areas facilitates the planning process by assisting the State Board and the Department in determining which areas of Illinois may be in need of certain health services.

- 11) Time, Place and Manner in which interested persons may comment on this proposed amendment: Interested persons may present their comments concerning these rules by filing within 15 days after this issue of the Illinois Register to:

Donald Jones
Health Facilities Planning Board
Illinois Department of Public Health
Division of Facilities Development
525 West Jefferson, Second Floor
Springfield, IL 62761
(217) 782-3516

All written comments received within 15 days after this issue of the Illinois Register will be considered.

A public hearing will be held on Tuesday, August 13, 1986 at 1:30 p.m. at the Illinois Department of Public Health's Training Center, 545 West Jefferson Street, 1st Floor, Springfield, Illinois. The hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in the conduct of the hearing:

1. Each person presenting oral testimony is requested to provide to the State Board written (preferred) copy of such testimony at the time the oral testimony is presented.
2. No person will be recognized to speak for a second time until all persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

HEALTH FACILITIES PLANNING BOARD

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3. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the State Board may impose such other rules of procedure, including the order of call of witnesses, as necessary.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Donald Jones at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Health care facilities that meet the definition of small businesses.

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1986

The full text of the proposed amendments begin on the next page.

HEALTH FACILITIES PLANNING BOARD

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NOTICE OF PROPOSED AMENDMENTS

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- 2) multiplying each age specific base use rate by the projected population of the age group to obtain projected patient days;
- 3) adding the projected days of the age groups to obtain total projected patient days;
- 4) subtracting the number of patients entering the planning area for service from the total out-migration to obtain a net patient migration total;
- 5) multiplying the net patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data, total by state average length of stay for service to obtain migration patient days;
- 6) multiplying the migration patient days by .15 (15%) adjustment to obtain a net out-migration patient days;
- 7) adding net out-migration patient days to area to obtain a net out-migration area;
- 8) subtracting net out-migration patient days from area to obtain a net in-migration area;
- 9) dividing total migration adjusted patient days by days in year to obtain projected average daily census;
- 10) dividing the projected average daily census by the occupancy target for new construction for the service to obtain the bed need;
- 11) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1100.930 Obstetric Category of Service

- a) Planning Area: Base as X-3
- b) Age Group: Female 15-44; Female 15 and over
- c) Occupancy Target:

1-10 beds	6%	Gynecology
11-25 beds	7%	Obstetrics
26+ beds	8%	Obstetrics

- d) Bed Capacity: Obstetrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.
- e) Total Bed Need for Obstetrics and the number of additional beds needed are determined by:
 - 1) multiplying the projected female 15-44 population by the current fertility rate of the health planning area to obtain projected births;
 - 2) multiplying the projected number of births by a hospitalization

- factor of .99 (99%) to determine number of projected births occurring in hospitals;
- 3) multiplying projected births occurring in hospitals by length of stay factor of 3.5 days to obtain projected maternity patient days;
- 4) dividing the gynecology utilization (of the base year) within obstetric units by the current female 15+ population to obtain a use rate;
- 5) multiplying the use rate of gynecology patients by the projected female 15+ population to obtain projected gynecology patient days;
- 6) dividing the projected maternity patient days by 365 to obtain a maternity average daily census;
- 7) dividing the projected gynecology patient days by 365 to obtain a gynecology average daily census;
- 8) dividing the gynecology patient days by .9 (90%) to determine obstetric beds needed for gynecology patients;
- 9) dividing the maternity average daily census by the occupancy target for new construction to obtain obstetric beds needed for maternity patients;
- 10) adding the maternity bed need (step 9) with the gynecology need (step 8) to determine total unadjusted obstetric bed need;
- 11) determine the number of patients entering the planning area from outside and the number of area residents leaving the planning area for obstetric service;
- 12) multiplying the total number of patients entering the area and those leaving the area by 2.5 .75 to determine a patient day estimate for migration and out-migration;
- 13) multiplying the patient totals for area in-migration and out-migration by a .85 (85%) adjustment factor;
- 14) subtracting the resulting in-migration adjusted patient day total from the out-migration adjusted patient day total to determine the net patient day migration estimate;
- 15) dividing the net patient day migration estimate by the average daily census for the base year shall be the base of the latest available patient origin data;
- 16) adding to net migration areas the average daily census for migration to the unadjusted bed need to determine the migration adjusted obstetric bed need in net out-migration areas subtract the average daily census for migration to determine adjusted obstetric bed need;
- 17) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

HEALTH FACILITIES PLANNING BOARD

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(expressed in thousands).

- 2) The experienced use rates established by planning area, the HSA maximum use rates (by age group) and the HSA minimum use rates (by age group) for the HSA multiplied by the projected age group population for the HSA multiplied by the projected age group HSA minimum and maximum use rate calculations" for each age group are compared. The experienced use rate is utilized in the formula if it is between the minimum and maximum totals in each age group. If the experienced use rate exceeds the maximum, the maximum rate for that age group is utilized. If it falls below the minimum, the minimum use rate for that age group is utilized in the need projection.
- b) Bed Capacity: Skilled, intermediate and sheltered long-term care bed capacity is the licensed bed capacity for the service.
- 1) Total Bed Need and the number of additional beds needed for care are determined by:
 - 1) Multiplying the formula or planned use rate for each age group by the planning area projected population (in thousands) for each age group to obtain the projected or planned patient days for each age group for that area;
 - 2) The three age group projections are summed to reflect "total area projected patient days";
 - 3) Dividing the projected patient days by 365 (days) to obtain the projected average daily census;
 - 4) Dividing the projected average daily census by the .9 (90%) occupancy factor to determine the number of beds needed; and
 - 5) Subtracting the number of existing beds in the area from the number of beds needed to determine additional beds needed or the excess number of beds existing.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

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- 1) Heading of the Part: Income Tax
 - 2) Code Citation: 86 Ill. Adm. Code 100
 - 3) Section Numbers: Proposed Action:
100.3710 New Section
 - 4) Statutory Authority: 35 ILCS 5/150(a)(3)
 - 5) A Complete Description of the Subjects and Issues Involved: Section 150(a)(3) of the Illinois Income Tax Act provides a statutory definition of the term "financial organization." This rulemaking is a listing of the types of entities that fall within the scope of the statutory definition.
 - 6) Will this proposed rule replace an emergency rule currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Does this proposed amendment contain incorporations by reference? No
 - 9) Are there any other proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|----------------------------|
| 100.2330 | Amendment | 6/21/76, 20 Ill. Reg. 3271 |
| 100.3505 | New Section | 4/26/76, 20 Ill. Reg. 3304 |
| 100.3020 | New Section | 1/26/76, 20 Ill. Reg. 1469 |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.
 - 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 15 days after publication of this notice to:

Paul Caselton
Senior Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (317) 782-355
 - 12) Initial Regulatory Flexibility Analysis:
 - a) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business that falls within the

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definition of the term "financial organization."

B) Reporting, bookkeeping or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary for compliance with this rulemaking.

13) Regulatory agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment(s) begins on the next page.

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 100

INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (ITRA Section 102)

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (ITIA 201(e))

100.2150 Training Expense Credit (ITIA 201(f))
100.2101 Replacement Tax Investment Credit (ITIA 201(e))
100.2110 Investment Credit: Enterprise Zone (ITIA 201(f))
100.2120 Jobs Tax Credit: Enterprise Zone and Foreign Trade Zone or Sub-Zone (ITIA 201(g))

100.2130 Investment Credit: High Impact Business (ITIA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (ITIA 201(i))
100.2160 Research and Development Credit (ITIA 201(k))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (ITIA 206)

100.2180 Credit for Residential Real Property Taxes (ITIA 108)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (ITIA Section 103) - Scope

100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (ITIA Section 103) - Definitions

100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (ITIA Section 103) - Current Net Operating Losses: Offsets Between Members

100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (ITIA Section 103) - Carrybacks and Carryforwards

100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Groups: Treatment by Members of the Unitary Business Groups

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Business Group: (ITRA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (ITRA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER

DECEMBER 31, 1986

Section
 100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986
 100.2310 Computation of the Illinois Net Loss Deduction
 100.2320 Determination of the Amount of Illinois Net Loss Carryovers
 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers
 100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
 100.2350 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND PARTNERSHIPS

Section
 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (ITRA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section
 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section

DEPARTMENT OF REVENUE

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Terms Used in Article 3 (ITRA Section 301)
 100.3010 Business and Nonbusiness Income (ITRA Section 301)
 100.3020 Resident (ITRA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section

100.3100 Compensation (ITRA Section 302)
 100.3110 State (ITRA Section 302)
 100.3120 Allocation of Compensation Paid to Nonresidents (ITRA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200 Taxability in Other State (ITRA Section 303)
 100.3210 Commercial Domicile (ITRA Section 303)
 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (ITRA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300 Allocation and Apportionment of Base Income (ITRA Section 304)
 100.3310 Business Income of Persons Other than Residents (ITRA Section 304) in General
 100.3320 Allocation of Business Income of Persons Other than Residents (ITRA Section 304) - Apportionment
 100.3330 Business Income of Persons Other than Residents (ITRA Section 304) - Allocation
 100.3340 Business Income of Persons Other than Residents (ITRA Section 304)
 100.3350 Property Factor (ITRA Section 304)
 100.3360 Payroll Factor (ITRA Section 304)
 100.3370 Sales Factor (ITRA Section 304)
 100.3380 Special Rules (ITRA Section 304)
 100.3390 Special Rules for Alternative Allocation of Apportionment (ITRA Section 304(f))
 100.3400 Allocation of Compensation Paid to Nonresidents (ITRA Section 302)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000 Time for Filing Returns: Individuals (ITRA Section 505)
 100.5010 Place for Filing Returns: All Taxpayers (ITRA Section 505)
 100.5020 Extensions of Time for Filing Returns: All Taxpayers (ITRA Section 505)
 100.5030 Taxpayer's Notification to the Department of Certain Federal Charges Assessed in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (ITRA Section 506)

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[illegible][illegible]

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

ACCOUNTS	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318
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A) Characteristic Services. There are no characteristic services which must be provided by a bank holding company. However, bank holding companies are generally prohibited

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

firm engaging in "banking" activities (see 12 U.S.C. Section 491(1)) and from selling shares of voting stock in any corporation other than a bank or a corporation holding property it providing services and in the banking business (see 12 U.S.C. Section 491(1)). All corporations in which any person or persons are interested in the United States, and which are engaged in the banking business, shall be subject to the Federal Reserve Board's supervision and control. A bank holding company is defined as a company which is not engaged in the banking business in a bank holding company. A "bank holding company" is defined as a company which is not engaged in the banking business in a bank holding company. A "bank holding company" is defined as a company which is not engaged in the banking business in a bank holding company.

1) Entities engaged in the business of a "bank holding company" shall be subject to the supervision and control of the Federal Reserve Board. A "bank holding company" is defined as a company which is not engaged in the banking business in a bank holding company. A "bank holding company" is defined as a company which is not engaged in the banking business in a bank holding company.

2) Entities engaged in the business of a "bank holding company" shall be subject to the supervision and control of the Federal Reserve Board. A "bank holding company" is defined as a company which is not engaged in the banking business in a bank holding company. A "bank holding company" is defined as a company which is not engaged in the banking business in a bank holding company.

3) Entities engaged in the business of a "bank holding company" shall be subject to the supervision and control of the Federal Reserve Board. A "bank holding company" is defined as a company which is not engaged in the banking business in a bank holding company. A "bank holding company" is defined as a company which is not engaged in the banking business in a bank holding company.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

person other than the beneficiary of the trust. Regulation. A trust company conducting business within Illinois is subject to the Uniform Fiduciary Act 213 ILCS 6201. Some types of regulated entities, such as national banks, are authorized by law to operate in that regulated state (see 12 U.S.C. Section 241). Any entity operating in any other state must be licensed or subject to regulation in that state.

4) Entities engaged in the business of a "savings bank" shall be subject to the supervision and control of the Federal Reserve Board. A "savings bank" is defined as a company which is not engaged in the banking business in a bank holding company. A "savings bank" is defined as a company which is not engaged in the banking business in a bank holding company.

5) Entities engaged in the business of a "savings bank" shall be subject to the supervision and control of the Federal Reserve Board. A "savings bank" is defined as a company which is not engaged in the banking business in a bank holding company. A "savings bank" is defined as a company which is not engaged in the banking business in a bank holding company.

6) Entities engaged in the business of a "savings bank" shall be subject to the supervision and control of the Federal Reserve Board. A "savings bank" is defined as a company which is not engaged in the banking business in a bank holding company. A "savings bank" is defined as a company which is not engaged in the banking business in a bank holding company.

DEPARTMENT OF STATE POLICE MERIT BOARD
NOTICE OF PROPOSED AMENDMENT

agendas.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD
NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.110 Qualifications
150.120 Selection Procedures
150.130 Promotion Procedures
150.140 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.210 Ranks
150.220 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer
150.540 Petition for Review
150.550 Petition for Review
150.560 Filing Procedures
150.565 Procedure for Processing Petition for Review
150.570 Director's Review
150.575 Discipline Afforded the Director
150.580 Complaint Procedures
150.585 Scheduling the Hearing

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

150-590 Notification to Officer

SUBPART F: HEARINGS

Section

150-590 Board Docket

150-590 Hearing Officer

150-590 Hearing Conferences

150-590 Motions

150-590 Subpoenas

150-590 Request for Witnesses or Documents

150-590 Evidence Depositions

150-590 Hearing Procedures

150-590 Continuances and Extensions of Time

150-590 Computation of Time

150-590 Decisions of the Board

150-590 Service and Form of Papers

APPENDIX A

Vision Standards

APPENDIX B

Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 9 of

the State Police Act (30 ILCS 2610.3 through 2610.14).

SOURCE: Emergency rule adopted at 2 ill. Reg. 10, p. 106, effective February 14, 1979, for a maximum of 150 days; emergency amendment at 2 ill. Reg. 32, p. 37, effective July 17, 1979, for a maximum of 150 days; emergency amendments at 2 ill. Reg. 31, p. 10, effective December 1, 1978, for a maximum of 150 days; adopted at 2 ill. Reg. 42, p. 42, effective December 15, 1978, amended at 3 ill. Reg. 1, p. 1, effective November 1, 1979; emergency amendments at 3 ill. Reg. 1, p. 1, effective November 1, 1979; adopted at 3 ill. Reg. 1, p. 1, effective November 1, 1979; amended at 5 ill. Reg. 1739, effective March 2, 1981; amended at 5 ill. Reg. 1036, effective August 11, 1982; codified at 7 ill. Reg. 3900; amended at 7 ill. Reg. 15019, effective November 2, 1981; emergency amendment at 8 ill. Reg. 379, effective December 27, 1981, for a maximum of 150 days; emergency amendment at 8 ill. Reg. 1038, effective February 9, 1984; amended at 9 ill. Reg. 379, amended at 8 ill. Reg. 1994, effective May 23, 1984; amended at 9 ill. Reg. 3721, effective March 13, 1985; amended at 9 ill. Reg. 1438, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 9533, effective July 1, 1985, at 10 ill. Reg. 1983; amended at 10 ill. Reg. 1752, effective October 1, 1986; amended at 11 ill. Reg. 1760, effective April 14, 1987; amended at 11 ill. Reg. 1803, effective October 16, 1987; amended at 12 ill. Reg. 1118, effective December 24, 1987; amended at 12 ill. Reg. 10736, effective June 13, 1988; amended at 13 ill. Reg. 1211, effective April 3, 1989; emergency amendment at 13 ill. Reg. 15607, effective September 29, 1989, for a maximum of 150 days; amended at 13 ill. Reg. 15591, effective December 1, 1989; amended at 14 ill. Reg. 3679, effective February 13, 1990; amended at 15

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

Reg. 11007, effective July 15, 1991; amended at 16 ill. Reg. 1935, effective July 13, 1991; emergency amendment at 16 ill. Reg. 1378, effective October 29, 1992, for a maximum of 150 days; amended at 17 ill. Reg. 916, effective June 10, 1993; expedited correction at 17 ill. Reg. 1464, effective June 23, 1993; amended at 17 ill. Reg. 21079, effective November 22, 1993; amended at 19 ill. Reg. 6679, effective May 1, 1995; amended at 19 ill. Reg. 10, effective June 1, 1995; amended at 20 ill. Reg. 114, effective December 17, 1995; emergency amendment at 20 ill. Reg. 3982, effective June 14, 1996, for a maximum of 150 days; amended at 20 ill. Reg. _____, effective _____.

SUBPART D: CERTIFICATION FOR PROMOTION

Section 150.430 Procedures

- The Board will provide each officer with official notification announcing the examination and requesting a written response respecting the officer's intention to participate.
- Candidates for promotion must complete examinations at the time designated by the Board in the official notification. No exceptions will be allowed.
- Such candidates must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.
- Promotional Process Components
 - The total promotional score will consist of combined standardized scores or respective percentage weights of the components designated for each rank:

Components	Sgt., Mgt	Lt. Capt., Mgt
Written Examination		
Performance	50% X	X
Appraisal	45% X	X
Seniority in Rank	5 X	X
Assessment		
Exercise	NA	X
e) Candidates for the ranks of Lieutenant, Captain, and Major will participate in a written examination, and an assessment exercise, as well as receive a performance appraisal, and a seniority score. The combined score will be standardized on a one hundred point scale. The top 65% of all Master Sergeants, Lieutenants, and Captains participating in the total promotional process will be certified by the Board.		

- The Board will certify to the Director the top 65% of those Troopers, Special Agents and Sergeants participating in the total promotional

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENT

- 9) There will be statewide certification lists for the ranks of Lieutenant, Captain and Major. The certification lists for Sergeant and Master Sergeant will be according to District, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes, and the lists for Sergeant and Sergeant Major will be statewide.
- 10) This merit board will be the certification list for all ranks.
- 11) This merit board will be the certification list for all ranks.
- 12) All candidates for promotion by the Director, however, in the event of a tied score, all candidates training such score shall be equally eligible for promotional consideration. The Director may promote secretary any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1603 et seq. July 1, 1981) and Illinois Department of Human Rights guidelines.
- 13) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates training such score shall be equally eligible for promotional consideration.
- 14) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tied score, all candidates training such score shall be equally eligible for promotional consideration.
- 15) Upon written notification from the Department to the Board that a candidate has declined an offer of promotion, the candidate, on leave of absence, has applied this disability, the candidate will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.
- 16) The total promotional scores resulting when the suspension of leave of absence terminates or the disability is removed.
- 17) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Placement and Visitation Services
- 2) Code Citation: 89 Ill. Adm. Code 301
- 3) Section Numbers: Adopted Action:
Amend
301.170 New Section
301.200 New Section
301.210 New Section
301.220 New Section
301.230 New Section
301.240 New Section
- 4) Statutory Authority: 20 ILCS 505
- 5) Effective Date of Amendments: July 5, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: July 5, 1996
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 13319, July 21, 1995
- 10) Has JCPR issued a Statement of Objections to these rules? No
- 11) Difference between proposal and final version: With the exception of editing and formatting corrections suggested by the Joint Committee on Administrative Rules, no changes were made.
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will these proposed amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of These Adopted Amendments: These amendments implement the provisions of the Article P Consent Decree which requires that when the Department places members of a sibling group, it must ensure that the siblings are placed together, or if the siblings are not placed together, a diligent search to locate a joint placement be made. In addition, when siblings are not placed together, visitation must be scheduled at least twice per month between the siblings and contact and communication between the siblings must be promoted.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jacqueline Nottingham, Chief
 Office of Rules and Procedures
 Department of Children and Family Services
 Address: 406 East Monroe St., Station # 212
 Springfield, Illinois 62701-1498
 Telephone: (217) 524-1943
 TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

FILE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER A: SERVICE DELIVERY

PART 301

PLACEMENT AND VISITATION SERVICES

- Section
 301.1 Purpose (Renumbered)
 301.2 Definition (Repealed)
 301.3 Foster Care Placement Goal (Renumbered)
 301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

- Section
 Purpose
 301.10 Definitions
 301.20 Introduction
 301.30 Legal Authority to Place
 301.40 Emergency Placement
 301.50 Placement Selection Criteria
 301.60 Sibling Placement
 301.70 Relative Home Placement
 301.80 Foster Family Home Care
 301.90 Residential Care
 301.100 Care in a Medical/Psychiatric Facility
 301.110 Safety Appropriate Placement with the Caregiver
 301.120 Making Appropriate Placement for Children
 301.130 Education of Children While in Placement
 301.140

SUBPART B: VISITATION SERVICES

- Section
 Purpose
 301.200 Family-Child Visitation
 301.210 Sibling Visitation
 301.220 Contact Among Siblings Placed Apart
 301.230 Grandparents Visitation
 301.240

SUBPART C: FOSTER CARE PLACEMENT GOAL

- Section
 Purpose
 301.310 Foster Care Placement Goal
 301.320 Plans to Achieve This Goal
 301.330 Criminal Convictions which Prevent Placement of Children with Relatives

APPENDIX A
 Criminal Convictions which Prevent Placement of Children with Relatives

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Children and Family Services Act (730 ILCS 5405) and the Illinois Code of Corrections (730 ILCS 5/3-6-103); Sections 103 of the Illinois Abolition and Dangerous Drug Dependency Act (730 ILCS 1035/1-103); Public Law 36-272, the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 (705 ILCS 405); and the Adoption Act (750 ILCS 20).

SOURCE: Adopted and codified at 7 Ill. Reg. 381, effective January 12, 1983; amended at 9 Ill. Reg. 974, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; amended at 20 Ill. Reg. 4624, effective March 15, 1996; amended at 20 Ill. Reg. **9518**, effective **JUL 15 1996**.

SUBJECT A: PLACEMENT SERVICES

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 U.S.C.A. 675(1) and 20 ILCS 505.9a.

"Biological father" means an individual who has not married to the mother when the child was born and whose acknowledged paternity open court action was not terminated by the State's Attorney or the child's biological mother. It does not include the father because he married the child's mother after the child's birth and his name appears in the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult relative is included, as established by the Illinois Department of Public Aid in 93 Ill. Adm. Code 111, Assistance Standards.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship in court order, or children whose parent(s) signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings" means, in this Part, means telephone and written communication among siblings who are placed apart from one another.

"Department" as used in this Part, means the Department of Children and Family Services.

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"Diligent search", as used in this Part, means the efforts used by the Department to find a suitable placement for children who must be placed in foster care and a suitable placement for children who must be placed in residential treatment. Different search is further defined in Section 301.70(c) of this Part.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which Federal matching grants are received.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this section.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Resident" means Cook County or any of the downstate Department of Children and Family Services regions.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

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- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. (30 ILCS 505.7(b))

"Residential facility", for the purposes of the Article 19, Content Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 17 ILCS, Section 515.1 and 205 ILCS 5.9.2, and 39 ILCS, Article 19, Client Service Planning.

"Short-term diagnostic placement" means a placement limited to 30 days after the time period deemed clinically necessary to complete the appropriate diagnostic evaluation or treatment, and in no event shall last more than 30 days.

"Siblings" mean children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Substitute care" means the care of children who require placement outside their families. Substitute care includes foster family care, care of a child by whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Visitation", as used in this Subpart, means face-to-face contact between parents and their children who are in substitute care or among siblings who are placed apart from one another.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 20 Ill. Reg. 9518, effective

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Section 301.70 Sibling Placement

- a) It is the policy of the Department to place siblings together unless:
 - 1) it is in the best interests of one or more of the children to be placed apart or to remain apart from his or her siblings;
 - 2) the Department has been unable to locate a joint placement for the siblings, despite a diligent search by the Department as defined in subsection (c) of this Section;
 - 3) a court has ordered that the siblings be placed apart; or
 - 4) it is placed with agreement of the child or his parent, sibling(s) to be placed with another child and the sibling is not willing to accept placement with that child and the sibling is not willing to accept placement with that child.
- b) It shall be in the best interests of a child to be placed apart from his or her siblings only if:
 - 1) the child has been placed in a short-term diagnostic placement in order to determine the placement needs of the child;
 - 2) the child has special medical, educational, behavioral, or emotional needs which require the child to be placed apart from his or her siblings and the child has been placed or accepted at a placement intended to address those needs;
 - 3) the child is at risk of physical, mental, or emotional harm as placed with his or her siblings and the specific risk and the basis for assessing that risk are documented in the child's case file; placement of the child with his or her siblings would require that the child be removed from a current foster home and it is in the best interests of the child to remain in that foster home rather than move to a joint placement with his or her siblings; or
 - 5) it is necessary to place the child apart from his or her siblings in order to achieve permanency for the child.
- c) A diligent search to locate a joint placement for siblings shall consist of written documentation that:
 - 1) the Department has attempted to locate siblings' parents and known relatives and other persons who may be willing to accept placement of the child with the siblings;
 - 2) the Department has asked any current foster parents of a child already in Department custody or guardianship whether they can accommodate the child's siblings in accordance with licensing standards; and
 - 3) the Department has conducted a search of vacant Department and private agency foster care placements and other appropriate placements in the same season as the parents come to identify those placements that can provide a joint placement for the sibling group and that meet the placement requirements for all sibling group members.
- d) If siblings have not been placed together at the time the Department

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(Source: Added at 20 Ill. Reg. 9518, effective

JUL 15 1996)

Section 301.230 Sibling Visitation

- a) The Department shall schedule and provide visits among all siblings in substance care who are placed apart at least twice per month, beginning no later than two weeks after the Department is awarded temporary custody of any sibling, unless:
- a) a court has ordered that sibling visits occur less frequently or not at all;
 - the child has stated that he or she does not want to visit with his or her siblings, or wants to visit less frequently, and has been referred to the Department in the importance of maintaining family ties; if such a child is age 10 or under, the Department shall inquire if the child at least quarterly whether he or she wants to resume or increase the frequency of visits; or
 - the sibling may abusively, verbally, or emotionally harm another during the visit, and supervision could be inadequate to eliminate the risk of such harm as determined by prior observation or documentation of their interaction as recorded in the child's case file.

- b) If a sibling is placed in a residential facility, visitation with that child may occur less frequently than twice per month, if:
- the child is at risk of physical harm if he or she visits with his or her siblings, and that risk is specifically documented in the child's case file;
 - visits with his or her siblings are determined by a qualified mental health professional;
 - the child is placed in a residential facility that is located more than 100 miles from his or her siblings, provided, however, that in such event the Department shall provide the child a visit with his or her siblings, preferably overnight, at least every other month.

- c) If the frequency of visits between two siblings is reduced to less than twice per month, the frequency of each child's visits with other siblings, if any, and if the other siblings visits with each other shall not be reduced except for the reasons stated in subsections a) through c) or b)(1) through (3) above of this Section, or if order of a court.

- d) Neither the Department nor its contractual agencies shall reduce or seek to have a court reduce the frequency of visits based on the unavailability of a supervisor for the visits or as a form of discipline.

- e) Visits may begin some time two weeks after the Department is awarded temporary custody of a sibling, if the siblings express a desire to visit, and a court has prohibited visits, and a qualified

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(Source: Added at 20 Ill. Reg. 9518, effective

JUL 15 1996)

Section 301.230 Contact Among Siblings Placed Apart

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 - the sibling may abusively, verbally, or emotionally harm another during the visit, and supervision could be inadequate to eliminate the risk of such harm as determined by prior observation or documentation of their interaction as recorded in the child's case file.

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- the child is at risk of physical harm if he or she visits with his or her siblings, and that risk is specifically documented in the child's case file;
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- e) Visits may begin some time two weeks after the Department is awarded temporary custody of a sibling, if the siblings express a desire to visit, and a court has prohibited visits, and a qualified

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(Source: Added at 20 Ill. Reg. 9518, effective

JUL 15 1996)

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- a) a court has ordered that sibling visits occur less frequently or not at all;
 - the child has stated that he or she does not want to visit with his or her siblings, or wants to visit less frequently, and has been referred to the Department in the importance of maintaining family ties; if such a child is age 10 or under, the Department shall inquire if the child at least quarterly whether he or she wants to resume or increase the frequency of visits; or
 - the sibling may abusively, verbally, or emotionally harm another during the visit, and supervision could be inadequate to eliminate the risk of such harm as determined by prior observation or documentation of their interaction as recorded in the child's case file.

- b) If a sibling is placed in a residential facility, visitation with that child may occur less frequently than twice per month, if:
- the child is at risk of physical harm if he or she visits with his or her siblings, and that risk is specifically documented in the child's case file;
 - visits with his or her siblings are determined by a qualified mental health professional;
 - the child is placed in a residential facility that is located more than 100 miles from his or her siblings, provided, however, that in such event the Department shall provide the child a visit with his or her siblings, preferably overnight, at least every other month.

- c) If the frequency of visits between two siblings is reduced to less than twice per month, the frequency of each child's visits with other siblings, if any, and if the other siblings visits with each other shall not be reduced except for the reasons stated in subsections a) through c) or b)(1) through (3) above of this Section, or if order of a court.

- d) Neither the Department nor its contractual agencies shall reduce or seek to have a court reduce the frequency of visits based on the unavailability of a supervisor for the visits or as a form of discipline.

- e) Visits may begin some time two weeks after the Department is awarded temporary custody of a sibling, if the siblings express a desire to visit, and a court has prohibited visits, and a qualified

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- 2) The Department shall permit and shall encourage foster parents and siblings to assist children to write and phone their siblings as often as the children wish, provided, however, that if necessary, a plan for scheduling reasonable phone calls may be established by the children's caseworker, together with the foster parent or other caregiver and the children. This plan shall be incorporated in the children's service plans. The Department shall also facilitate the use of mail for siblings' communication with their biological parent or parents.
- b) If a child's biological parent or parents are not on a child's best interests list, the Department shall encourage the child's best interests list to include the biological parent or parents if it is determined that the child's best interests would be served by having visitation with the biological parent or parents. If the Department has been contacted regarding visitation and guardianship and has been unable to obtain the necessary information, the Department shall also record the reasons for that determination in the child's case records.
- c) Neither the Department nor the contractual agencies shall restrict or seek to have any court restrict contact among siblings as a form of discipline under any circumstances.

(Source: Added at 20 Ill. Reg. 9518, effective JUL 1 1996)

Section 301.240 Grandparent Visitation

The Department will allow visits between grandparents of great-grandparents and children in suitable cases when the grandparents or great-grandparents have been granted visiting privileges by a divorce court in accordance with the Illinois Marriage and Dissolution of Marriage Act (50 ILCS 5/501).

(Source: Added at 20 Ill. Reg. 9518, effective JUL 1 1996)

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NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Illinois Funeral or Burial Funds Act
- 2) Code Citation: 38 Ill. Adm. Code 610
- 3) Section Numbers: Adopted Action:
 610.10 New
 610.20 New
 610.30 New
 610.40 New
 610.50 New
 610.60 New
 610.70 New
 610.80 New
 610.90 New
- 4) Statutory Authority: Implementing Sections 1a-1, 2(d), 3a, 3, 3c and 4a and authorized by Sections 1a-1, 2 and 3 of the Illinois Funeral or Burial Funds Act (225 ILCS 45/1a-1, 2, 2(d), 3a, 3, 3c, and 4a).
- 5) Effective Date of Rule: July 3, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: July 3, 1996
- 9) Notice(s) of Proposal Published in Illinois Register: March 1, 1996, 20 Ill. Reg. 1655
- 10) Has ICPS issued a Statement of Objections to these rule(s)? No
- 11) Differences: Between adopted and final version: The final version incorporates changes to the adopted version to conform more closely to the existing regulations. Awaiting pending preparation and promulgation of a "Pre-Filed Contact Booklet" and other issues not completely addressed by the adopted rules were deferred.
- 12) Have all the charges agreed upon by the agency and ICPS been made as indicated in the agreement letter issued by ICPS? Yes
- 13) Will these rules replace an emergency rule currently in effect? No
- 14) Are there any rules pending in this Part? No
- 15) Summary and Purpose of Rules: The rules prescribe required contents of pre-need contracts and define requirements for trusts, insurance policies, and tax-deferred annuities to implement the Illinois Funeral or Burial

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Funds Act.

16) Information and questions regarding these adopted rules shall be directed

to:

Mr. John E. Stevens

State Comptroller

Illinois Office of the Comptroller

201 State Capital

Springfield, IL 62706-3001

(217) 92-3338

The full text of the adopted rules begins on the next page.

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TITLE 18: FINANCIAL INSTITUTIONS

CHAPTER V: COMPTROLLER

PART 610

ILLINOIS FUNERAL OR BURIAL FUNDS ACT

Section

610.10

Statutory Authority

610.20

Applications

610.30

Definitions

610.40

Classification of Pre-Need Contract by Funding Methods

610.50

Requirements for all Pre-Need Contracts

610.60

Trust Investment in Life Insurance or Annuities

610.70

Requirements for Pre-Need Booklet

610.80

Licensing of Sellers of Pre-Need Contracts Funded by Life Insurance or

Tax-Deferred Annuity

610.90

Schedule of Charges for Examinations for Licensee of Pre-Need

Contracts Funded by Life Insurance or Tax-Deferred Annuity

AUTHORITY: Implementing Sections 1a-1, 2(d), 3a, 3, 3f, and 1a and authorized by Sections 1a-1, 2 and 3 of the Illinois Funeral or Burial Funds Act (25 ILCS 45.1a-1, 2, 2(d), 3a, 3, 3f, and 3a).

SOURCE: Adopted at 20 Ill. Reg.

JUL 0 3 1996

9530

effective

Section 610.10 Statutory Authority

a) Form and Review of Pre-Need Contracts

- 1) All pre-need contracts must be in writing and no pre-need contract form shall be used without prior filing with the Comptroller. The Comptroller shall review all pre-need contract forms and shall prohibit the use of contract forms that do not meet the requirements of this Act upon written notification to the seller. Any use or attempted use of any oral pre-need contract or any written pre-need contract in a form not filed with the Comptroller or in a form that does not meet the requirements of this Act shall be deemed a violation of this Act. Life insurance policies, tax-deferred annuities, endorsements, riders or applications for life insurance or tax-deferred annuities, endorsements, riders or applications for life insurance or tax-deferred annuities are not subject to filing with the Comptroller. The Comptroller may by rule develop a model pre-need contract form that meets the requirements of this Act. (25 ILCS 45.1a-1(d))
- 2) The State Comptroller shall by rule develop a booklet that describes the statutory requirements, the different funding mechanisms, and all disclosures required under this Act. After

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the adoption of a rule establishing the booklet, no pre-need contract shall be sold in this State unless the seller distributes to the purchaser, prior to or concurrent with the sale, a booklet promulgated or approved for use by the State Comptroller. [225 ILCS 45/1a-1(f)]

- b) For pre-need contracts funded by life insurance or a tax-deferred annuity, the cost of administration shall be the lesser of 2% of the cost of funeral services or 1% of the cost of life insurance or annuities during the preceding calendar year. The fee schedule for such examination shall be established in rules promulgated by the Comptroller. [225 ILCS 45/3]
- c) Trust Agreements shall follow the format of the standard Funeral Trust Agreements approved by the Comptroller. [225 ILCS 45/2(d)]

Section 610.30 Application

This Part applies to any Seller of pre-need contracts sold in this State as provided in the Illinois Funeral or Burial Funds Act.

Section 610.30 Definitions

For the purposes of this Part, the following definitions shall apply:

"Act", the Illinois Funeral or Burial Funds Act.

"Contract Beneficiary", the person specified in the pre-need contract upon whose death funeral services or merchandise shall be provided or delivered. [225 ILCS 45/1a]

"Funeral Goods, Funeral Merchandise, or Funeral Services", those services and items of merchandise the pre-need sale of which is governed by the Illinois Funeral or Burial Funds Act.

"Income", amounts earned through investments or interest.

"Licensee", a seller of a pre-need contract who has been licensed by the Comptroller. [225 ILCS 45/1]

"Pre-need contract", any agreement or contract, or any series or combination of agreements or contracts, whether funded by trust deposits or life insurance policies or annuities, which has for its purpose the furnishing or performance of funeral services or the furnishing or delivery of any personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body. [225 ILCS 45/1a]

"Provider", a person who is obligated for furnishing or performing funeral services or the furnishing or delivery of any personal

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property, merchandise or services of any nature in connection with the final disposition of a dead human body. [225 ILCS 45/1a]

"Purchaser", the person who provides for the payment of money under or in connection with a pre-need contract. [225 ILCS 45/1a]

"Sales Proceeds", the entire amount paid to a seller, exclusive of sales taxes paid by the seller, finance charges paid by the purchaser, and credit life, accident or disability insurance premiums, upon any agreement or contract, or series or combination of agreements or contracts, for the purpose of performing funeral services or furnishing personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, including, but not limited to, the retail price paid for such services and personal property and merchandise. [225 ILCS 45/1a]

"Seller", the person who sells or offers to sell the pre-need contract to a purchaser, whether funded by a trust agreement, life insurance policy, or tax-deferred annuity. [225 ILCS 45/1a]

"Trustee", a person authorized to hold funds under the Act. [225 ILCS 45/1a]

"Trust Funds", all sales proceeds, including interest earned thereon, paid to any person, partnership, association or corporation upon any agreement or contract, or any series or combination of agreements or contracts, which has for its purpose the furnishing or performance of funeral services, or the furnishing or delivery of any personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, including, but not limited to, the retail price paid for such services and personal property and merchandise, and the proceeds of any insurance policy, annuity, or other burial contract, or any combination of such units, caskets and clothing, for future use at a time determined by the death of the person or persons whose body or bodies are to be disposed of. [225 ILCS 45/1]

Section 610.40 Classification of Pre-Need Contract by Funding Methods

- a) For the purposes of this Part, pre-need contracts shall be classified as follows:
- 1) Pre-need contracts funded by trust deposits.
 - 2) Pre-need contracts funded by life insurance or a tax-deferred annuity.
- b) Pre-need contracts funded by trust agreements. In addition to complying with the requirements of Section 610.30, pre-need contracts funded by trust agreements must also contain:
- 1) Unless the pre-need contract has been made irrevocable, a statement that the purchaser, prior to the death of the person(s) for whose funeral or burial such funds were paid, has the right

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Period for Door-to-Door Sales. The PRC Rule provides that with any door-to-door sale, the seller must furnish the purchaser a completed receipt or copy of any contract pertaining to the sale at the time the contract is signed. The seller must comply with the following terms:

- A) A completed receipt or copy of the pre-named contract at the time of signing must be furnished to the purchaser.
- B) The same language must be used in both the oral sales presentation and the written contract to the purchaser.
- C) Notice of purchaser's right to cancel within 3 days after signing pre-named contract. The notice must be as follows:
 - i) Located close to the signature line.
 - ii) Printed in 12 point sold type.
 - iii) State that "NOW, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION."
- D) All monies must be refunded without penalty within 10 days after cancellation.

11) In addition to the cancellation provisions of subsection (10) of this section, each pre-named contract shall include a statement that the purchaser has the right to cancel the pre-named contract prior to being and receive a refund of the purchase price within 10 days after the purchase. Notwithstanding to the contrary, in this section shall prohibit a purchaser who is or may become eligible for public assistance from making a guaranteed price contract irrevocable in an amount prescribed by rule of the Illinois Department of Public Aid to the extent that federal law or regulations require that such a contract be irrevocable for purposes of the purchaser's eligibility for Supplemental Social Security Income benefits, Medicaid, or other public assistance program, as permitted under federal law.

c) Where a pre-named contract has been made irrevocable in an amount prescribed by rule by the Illinois Department of Public Aid for the purpose of maintaining eligibility for Supplemental Security Income benefits (33), Medicaid or other public assistance, a licensee is required to provide written notification to the Illinois Department of Public Aid whenever the licensee knows or reasonably should know that the amount in trust or the death benefit under a life insurance policy or annuity contract exceeds the cost of the funeral merchandise or services by more than 2%, at the time the merchandise is provided and the services are performed.

Section 610.60 Trust Investment in Life Insurance or Annuities

a) A Trustee of a trust account shall not invest trust funds in life insurance policies or tax deferred annuities unless the following requirements are met:

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- 1) The company issuing the life insurance policies or tax-deferred annuities is licensed by the Illinois Department of Insurance and the insurance producer or annuity seller is licensed to do business in the State of Illinois;
- 2) Prior to the investment, the purchaser approves, in writing, the investment in life insurance policies or tax-deferred annuities;
- 3) Prior to the investment, the purchaser is notified by the seller in writing about the disclosures required for all pre-named contracts under Section 1a-1 of the Act, and the purchase of life insurance or a tax-deferred annuity is subject to the requirements of Section 2a of the Act;
- 4) Prior to the investment, the trustee informs the controller that trust funds shall be removed from the trust account to purchase life insurance or a tax-deferred annuity upon the written consent of the purchaser;
- 5) The purchaser retains the right to refund provided for in the Act, unless the pre-named contract is sold on an irrevocable basis as provided in Section 4 of the Act; and
- 6) Notice must be given in writing that the cash surrender value of a life insurance policy may be less than the amount provided for by the refund provisions of the trust account.

Section 610.70 Requirements for Pre-Need Booklet

After the adoption of a rule prescribing a pre-need booklet, no pre-need contract may be sold in this State unless it is accompanied by a booklet that contains the following requirements:

- a) Requirements for pre-need contracts as set forth in Section 1a-1 of the Act.
- b) All disclosures in accordance with Sections 1a-1, 1b, 2a, 4, and 1a of the Act.
- c) The funding mechanism as set forth in Section 1a-1(6)(a) of the Act.
- d) Any other statutory requirements under the Act.

Section 610.80 Licensing of Sellers of Pre-Need Contracts Funded by Life Insurance or Tax-Deferred Annuity

- a) Any seller of pre-need contract which is funded by life insurance or a tax-deferred annuity shall obtain an individual license unless the seller is an employee of a licensee. An insurance producer, annuity seller, or any individual who serves in that capacity shall not be considered an employee unless the employment relationship indicates otherwise. The pre-need contract shall be filed by the licensee with the Office of the Comptroller and the Department of Insurance.
- b) The individual who is the seller of the contract shall be an individual acting in that capacity as affiliated so long as all books, records and other information as required under this Act are provided. The licensee

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shall remain responsible for the timely filing of the annual report and shall acknowledge in writing that the annual report is true and accurate.

Section 610.90 Schedule of Charges for Examinations for Licensee of Pre-Need Contracts Funded by Life Insurance or Tax-Deferred Annuity

- a) The charge made by the Comptroller for an examination shall be based upon the total amount of premiums received during the previous calendar year from life insurance or tax-deferred annuities for which the reporting schedule is required.
- b) The reporting schedule establishes the cost to be paid by licensees for the examination of books and records of the licensee:

Less than \$10,000.....	no charge
\$10,000 or more but less than \$50,000.....	\$10
\$50,000 or more but less than \$100,000.....	\$40
\$100,000 or more but less than \$250,000.....	\$80
\$250,000 or more.....	\$100

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Boiler and Pressure Vessel Safety Rules and Regulations
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action: Amendment: 120.11
- 4) Statutory Authority: Implementing and authorized by the Boiler and Pressure Vessel Safety Act, 430 ILCS 75/2 and 430 ILCS 75/2.11
- 5) Effective Date of Rulemaking: July 3, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: July 8, 1996
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 12159, August 25, 1995
- 10) Has JCPR issued a Statement of Defections to these rules? No
- 11) Differences between proposal and final version: A more recent edition of API-510 was adopted in response to a public comment.
- 12) Have all the changes agreed upon by the Agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will this rulemaking replace an existing rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The standards incorporated in the rules are updated. The updated incorporations are designed to keep Illinois consistent with national standards and industry practices.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Mr. David Doun
Address: Superintendent of Boiler and Pressure Vessel Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259
Telephone: (217) 82-2696

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER 1: STATE FIRE MARSHAL

PART 120

BOILER AND PRESSURE VESSEL
SAFETY

SUBPART A: DEFINITIONS AND AMENDMENT

Section

- 120.4 Forward (Repealed)
- 120.7 Kindly Observe the following Briefs and Avoid Unnecessary Inconvenience (Repealed)
- 120.10 Definitions
- 120.11 Incorporation of National Standards
- 120.20 Administration
- 120.30 Inspectors, Examinations, Certificate of Competency and Commission
- 120.41 Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION, MAINTENANCE, AND USE

Section

- 120.150 New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
- 120.105 Boiler Exemptions
- 120.200 New Installations of Pressure Vessels
- 120.205 Pressure Vessel Exemptions
- 120.300 Existing Installations of Power Boilers
- 120.310 Existing Installations of Miniature Boilers (Repealed)
- 120.400 Existing Installations of Heating Boilers and Hot Water Supply Boilers (Repealed)
- 120.500 Existing Installation of Pressure Vessels
- 120.600 General Requirements for All Boilers and Pressure Vessels (Repealed)
- 120.700 Nuclear Power Plant Components (Repealed)
- 120.800 Flame Safeguard Requirements and Incorporated Standards (Repealed)
- 120.900

SUBPART C: REPAIR AND ALTERATION

Section

- 120.1000 Repairs and Alterations to Boilers and Pressure Vessels by Welding
- 120.1010 Authorization to Repair Boilers and Pressure Vessels
- 120.1020 Issuance and Renewal of the Certificate
- 120.1030 Changes to Certificates of Authorization
- 120.1040 Quality Control Requirements
- 120.1041 Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Section VIII

Pressure Vessels -- Division 2 -- Alternative Rules

Section IX

Welding and Brazing Qualifications

Section X

Fiber-las -- Reinforced Plastic Pressure Vessels
 National Board of Boiler & Pressure Vessel Inspectors
 Inspection Code 1991 with 1992, 1993, 1994 addenda
 National Board Rules and Recommendations for the Design and
 Construction of Boiler Blowoff Vessels (1991)

American Petroleum Institute

API-580, Seventh Edition, and Supplement, "API
 Recommended Practice for Inspection, Repair, and Rating of
 Pressure Vessels in Petroleum Refining Service"

API --

American Petroleum Institute

1201 L Street, Northwest

Washington, D.C. 20005

ASME --

American Society of

Mechanical Engineers

United Engineering Center

345 Park Avenue

New York, New York 10017

National Board of Boiler &

Pressure Vessel Inspectors

1053 Crupper Avenue

Columbus, Ohio 43229

National Fire Protection

Association

1 Batterymarch Park

Quincy, Massachusetts 02269-9101

effective

at 20 Ill. Reg. 954 0(Source: Amended at 20 Ill. Reg. 954 0)

JUL 19 1995

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Surface-Mined Land Conservation and Reclamation Act2) Code Citation: 62 Ill. Adm. Code 3003) Section Numbers

300.200 New

300.205 New

300.210 New

300.215 New

300.220 New

300.225 New

300.230 New

300.235 New

300.236 New

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4) Statutory Authority: Implemented and authorized by Section 6.5 of the Surface-Mined Land Conservation and Reclamation Act (235 ILCS 715).

5) Effective Date of Amendments: July 1, 19966) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No8) Date filed in Agency's Principal Office: July 1, 19969) Notice of Proposed Amendments Published in Illinois Register: 20 Ill. Reg. 4129 (March 15, 1996)10) Has DNR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

a) In Section 300.210 the definition of "cube root scaled distance" means the distance, in feet, from the blast to a specific location, divided by the cube root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) milesecond period." has been added.

b) In Section 300.215(c), "24 hours" has been changed to "72 hours".

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

c) In Section 300.220(a)(2), "when the cubed root scaled distance to the nearest protected structure has a value less than 350 and" has been added at the beginning; after the second word "structure", "within two (2) miles from any blast hole" has been deleted.

d) In Section 300.230(a)(1), "person who conducts the surface mining activities" has been replaced with "operator".

e) See Second Notice Changes.

12) Have all changes agreed upon by DNR and the agency been made as indicated in the letter after issued by DNR to the agency? Yes

13) Will these amendments replace an Emergency Amendment currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Rule(s): The rules enable the Department to effectively regulate all aspects of blasting operations at aggregate mines. Specifically, aggregate mine operators are required to maintain blasting records for Departmental inspection, control blasting operations to prevent personal injury and property damage and subject blasting operations to air blast ground vibration monitoring. The rules establish an administrative enforcement scheme designed to punish violators of the blasting regulations and correct infractions of the terms of the blasting licenses issued by the Department.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Scott Somnitz
Department of Natural Resources
Bureau of Mines and Minerals
Address: 511 South Second St.
Springfield, IL 62701-1787
Telephone: (217) 742-6791

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 42: MINING

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES MINES-AND-MINERALS

PART 300

SURFACE MINED LAND CONSERVATION AND RECLAMATION ACT

Section

300.10 Introduction

300.20 Permits

300.30 Fees

300.40 Bonds

300.50 Permit Application Requirements

300.60 Role of County Government in Reclamation

300.70 Departmental Certification of Reclamation Plans

300.80 Departmental Approval of Plans

300.90 Amendments and Permits

300.100 Reclamation Planning

300.110 General Reclamation Requirements

300.120 Criteria For Types of Land Reclamation

300.130 Reclamation of the Disposal Areas and Outside Slopes of All Overburden Deposition Areas

300.140 Reclamation of Quarry and Disposal Areas

300.150 Water Impoundment Structures

300.160 Affected Acreage Map

300.170 Violations and Penalties

300.180 Bond Release Procedure

300.200 SCOPE

300.205 Purpose

300.210 Definitions

300.215 General Requirements

300.220 Monitoring

300.225 Use of Explosives: Control of Adverse Effects

300.230 Use of Explosives: Blasting Signs, Warnings and Access Control

300.235 Training

300.240 Examination

300.245 Application and Licensure

300.250 Other Administrative Actions

300.255 Issuance of Notice of Infraction, Suspension, Revocation and

300.260 Notices of Violation

300.265 Cancellation Orders

300.270 Office of Mines and Minerals Decision

300.275 Hearings

300.280 Temporary Relief

300.290 Subpoenas

300.295 Tree Sampling Procedure

ILLUSTRATION A Typical Sections

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by the Surface Mined Land Conservation and Reclamation Act (225 ICS 715).

SOURCES: Adopted January 6, 1976; modified at 9 Ill. Reg. 4507; amended at 14 Ill. Reg. 3548, effective February 22, 1990; amended at 20 Ill. Reg. 9546, effective JUL 01 1996.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 300.200 Scope

These rules shall cover the use of explosives in commercial mineral extraction operations pursuant to P.A. 3975, enacted June 13, 1995. They are intended to supplement and not supersede the requirements of any other Federal or Illinois statute or regulation, inasmuch as the provisions of these regulations contradict such other statute or regulation, that statute or regulation shall control.

(Source: Added at 20 Ill. Reg. 9546, effective JUL 01 1996.)

Section 300.205 Purpose

The purpose of these regulations is to ensure that blasting operations are conducted to prevent injury to persons and damage to public and private property.

(Source: Added at 20 Ill. Reg. 9546, effective JUL 01 1996.)

Section 300.210 Definitions

"Airblast" also known as "air overpressure" means airborne waves resulting from the detonation of explosives. Airblast may be caused by sudden movement or the release of expanding air into the air. Airblast may or may not be audible.

"Act" means the Surface Mined Land Conservation and Reclamation Act (225 ICS 715).

"Authorized Representative of the Department" means an employee of the Illinois Department of Natural Resources, Office of Mines and Minerals, qualified to conduct on-site inspections of blasting operations in order to determine compliance with these regulations.

"Blast" means the detonation of explosives by an operator for a mineral extraction operation.

DEPARTMENT OF NATURAL RESOURCES

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"Licensed Blaster" means the person authorized to oversee and approve blasting operations on a blasting site.

"Blasting Zone" means any area within the operation that is designated in writing by the operator to the Department as being the area within which blasting operations will be conducted.

"Blasting Operations" means the process of shot design, layout, drilling, loading, detonation and recharging.

"Burdens" means the distance from an explosive charge to the nearest free or open face at the time of detonation of each hole.

"Continuing Violation" means a violation of these rules that is ongoing and uncorrected at the time of inspection.

"Cube Root Scaled Distance" means the distance, in feet, from the blast to a specific location, divided by the cube root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

"Decibel" means the unit of sound overpressure commonly used to measure vibration from the detonation of explosives. It is also measured in pounds per square inch (lb./in.²), and is defined in terms of the overpressure by the equation:

$$db = 20 \log P/2101$$

where:

db = sound level in decibels

P = measured overpressure in p.s.i. (lbs./in.²)

$$P101 = 2.9 \times 10^{-2} \text{ p.s.i. (lbs./in.²)}$$

The decibel scale is logarithmic.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Illinois Department of Natural Resources.

"Explosives" means any chemical mixture that reacts at high velocity to liberate gas and heat, causing very high pressures.

"Office of Mines and Minerals" means the subdivision of the Department of Natural Resources charged with regulating the use of explosives in commercial mineral extraction operations pursuant to P.A. 3975, enacted June 13, 1995.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"operation" means the property limits of any non-coal mineral extraction operation.

DATE	TIME	TEST	SCORE	REMARKS
10/10/10	10:00	Math	85	
10/11/10	10:00	Math	88	
10/12/10	10:00	Math	90	
10/13/10	10:00	Math	92	
10/14/10	10:00	Math	95	
10/15/10	10:00	Math	98	
10/16/10	10:00	Math	100	
10/17/10	10:00	Math	100	
10/18/10	10:00	Math	100	
10/19/10	10:00	Math	100	
10/20/10	10:00	Math	100	
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10/26/10	10:00	Math	100	
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10/28/10	10:00	Math	100	
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10/30/10	10:00	Math	100	
10/31/10	10:00	Math	100	

Particle "velocity" is a measure of sound vibration which describes the velocity at which a particle of sound moves when excited by a sonic wave.

"Person" means any individual, partnership, corporation or other legal entity.

"protected structure" means any dwelling, public building, school, church or commercial building, protected structure do not include:

STAFFS ARE CALLED TO THE ASSISTANT
PUN

1. **THE STATE OF TEXAS, County of _____**
 do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of _____ State of Texas.
 In testimony whereof, I have hereunto set my hand and the seal of said County, at _____ this _____ day of _____ 19____.

"Water" distance" means the distance, in feet, from the base of the second column, starting by the rule lot of the maximum value of the second column, to the second maximum value of the second column.

"Stemming" is the removal (usually crushed stone) that is placed above the exposure column, or vertically between column decks of the exposure column.

(Source: Added at 20 Ill. Reg. 9340 effective

Section 300.215 General Requirements

- a) Each person who conducts blasting operations shall comply with all applicable state and federal laws governing the use of explosives.
- b) All blasting operations shall be conducted under the direct supervision of a licensed blaster. Persons licensed by the Department, as provided in section 100-27 of this part, the licensed blaster shall be present at the initiation of the blast.
- c) All blasting shall be conducted between sunrise and sunset except in emergency situations where prearranged blasting is required to ensure operator or public safety. In such cases, the operator shall notify the Department in writing within 24 hours after the unscheduled blast.

DEPARTMENT OF NATURAL RESOURCES

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stating the reason(s) for the unscheduled blast. After review of the investigation, the Department shall determine whether the unscheduled blast was an emergency and take enforcement action if necessary.

Source: Added at
JUL 01 1996

Section 300.220 Monitoring

a) Duties of the Cooperator

- 1) When the stated distance is a value less than 150' and the location of the closest protected structure, the operator shall make a safe, unobstructed landing and aircraft landing at the nearest protected structure.
- 2) When the stated foot scaled distance to the nearest protected structure is a value less than 150' and when the duration to the stated distance is greater than 1.5 seconds, the minimum landing distance shall be greater than 1.5 seconds. If the minimum landing distance is less than 1.5 seconds, the aircraft shall be maneuvered at or near the closest protected structure, secondarily, maneuvered, and recorded pursuant to subsections (a)(1)(A) and (a)(1)(B) above. This maneuver shall not apply to helicopters. Aircraft shall remain within the color of the TIF.
- 3) The operator shall maintain a minimum landing records as follows:
 - a) Operator shall maintain a landing record as required by the Department for each takeoff (1) takeoff and each landing at an inspection by the Department, records of class, aircraft, and location of the closest protected structure, if a takeoff, and since the Department's last inspection, if a landing.
 - b) Records of class, aircraft, and location of the closest protected structure, shall be made available at the Department for inspection by the end of the work day following the day on which the class occurred, including the information used to determine if a takeoff or landing occurred, and shall contain the following data:
 - i) Name of the operator conducting the flight.
 - ii) The location, date and time of the class.
 - iii) Necessary to enforce the purposes of these regulations, the Department may require that the location of the class be indicated as a point on a base state coordinate system.
 - c) Name, title and license number of the licensed operator responsible for the flight.
 - d) Number of aircraft, number of passengers and crew.
 - e) Weight of aircraft, including fuel and payload.
 - f) Diameter and length of hoses.
 - g) Type of explosives used.
 - h) Total weight of explosives used.
 - i) Weight of explosives used per hole.
 - j) Maximum weight of explosives detonated within any

DEPARTMENT OF NATURAL RESOURCES

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- this subsection (b) by reading any of the three (3) specifications in the Part in subsection (b)(1).
 1) To ensure compliance with the limits contained in this Section, the Department may require an individual representative of any of all blasters, and may specify the location of such representative.

- c) Plurals. The Department may require that the number of persons authorized to conduct blasting operations be specified in the permit. The Department may require that the number of persons authorized to conduct blasting operations be specified in the permit. The Department may require that the number of persons authorized to conduct blasting operations be specified in the permit.

- d) Ground vibration limits. The Department may require that the number of persons authorized to conduct blasting operations be specified in the permit.

- e) In all blasting operations, except as otherwise authorized in this Section, the maximum peak particle velocity shall not exceed the (1) value specified in the Part in subsection (b)(1) and (2) the value specified in the Part in subsection (b)(1). Such action is taken by the person or persons who conduct the surface blasting activities and is not limited to any other person, or a building owned by the person conducting surface blasting activities. It is required that the person conducting surface blasting activities be trained by the Department. The person may sign a waiver relieving the operator from meeting the ground vibration limitations of this subsection. The person shall be subject to the Department before conducting blasting operations in accordance with the terms of the waiver.

- f) When the stated distance has a value less than sixty-two (62) feet, the Department shall require a seismograph recording shall be made at the stated distance. To ensure compliance with the limits contained in this subsection, the Department may require a seismograph recording at any of all blasters and may specify the location at which such recordings be made.

- g) Whenever the ground vibration limit in subsection (d) above, the Department may require that the person or persons who conduct the blasting operations be trained by the Department. The person may sign a waiver relieving the operator from meeting the ground vibration limitations of this subsection. The person shall be subject to the Department before conducting blasting operations in accordance with the terms of the waiver.

- h) The Department may require that the number of persons authorized to conduct blasting operations be specified in the permit.

Section 300.230 Use of Explosives, Blasting Signs, Warnings, and Access Control

- a) Specifications. Signs and markers required under this Part shall be posted and maintained by the operator.

- 1) Signs and markers required under this Part shall be posted and maintained by the operator.

- 2) Signs and markers required under this Part shall be posted and maintained by the operator.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Be made of durable material.
 b) Signs and markers shall be maintained during the period of the blasting operation.

- c) Blasting signs. The operator shall maintain:

- 1) conspicuously display blasting signs along the edge of any blasting zone that comes within the notified 1001 feet of any public road, highway, or waterway, and at the point where any other road provides access to the blasting zone; and

- 2) at all entrances to the operation from public roads or highways, place conspicuous signs which indicate explosives are used at the operation and which clearly list and describe the nature of the blasting operation and all other signs that are in use.

- d) Warning. The operator shall maintain a pattern that is audible within the blasting zone that be given:

- a) access to the blasting zone shall be controlled to prevent the presence of unauthorized persons during blasting until an authorized representative of the operator has reasonably determined:

- 1) that no unusual circumstances, such as unattended charges, exist; and

- 2) that access to and travel in or through the area can be safely resumed.

- (Source: Added at 20 Ill. Reg. 9546, effective JUL 1 1996)

Section 300.235 Training

- a) Training required herein for those persons not previously trained in the subjects required herein, shall be conducted by either the Department, the operator or the operator's training representative. The operator's training representative may include but is not limited to junior colleges, consultants and explosives manufacturers. The training must meet the requirements of this Section.

- b) The training for blasters' procedure shall include instruction in:

- 1) the design and layout of blasts, including seismicity, topography and the order in which to leave;

- 2) control of ground vibration;

- 3) control of shock and airblast;

- 4) design and loading of boreholes;

- 5) priming and stemming;

- 6) blasting methods and materials;

- 7) blasting systems;

- 8) the use of blasting techniques;

- 9) the use of circuit testing equipment;

- 10) the general properties of explosives, including blasting agents and detonation characteristics;

- 11) sound monitoring, blast and monitoring;

- 12) the use of ground vibration and airblast records as blast design

DEPARTMENT OF NATURAL RESOURCES

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Factors

- (13) Records for accurate reports and blasting logs and their proper use.
- (14) Current Illinois and Federal laws and regulations pertaining to blasting as the operation.
- (15) Planning for predictable blasting hazards to the public and time sequence, radioactive wastes, adverse weather, stray electrical currents, flyrock, radio frequency energy and noises.
- (16) Signs, safety signals and control of the potential flyrock area.
- (17) Site security and safety.
- (18) Blasting methods, as applicable.
- (19) Handling, transportation and storage of explosives.
- (20) New technology as it develops and is implemented in the field.
- (21) Training and education requirements.

- (2) The licensee/basist shall provide direction and on-the-job training to all non-scheduled blasting personnel under his supervision.

(Source: added at 20 Ill. Reg. **9546**, effective JUL 01 1996)

Section 300.236 Examinations

- (a) Written examinations for blaster license shall be administered at least semi-annually, but not more than quarterly, on dates, times and at locations announced by the Department via news releases and direct communication with licensees and individuals who request, in writing, to be so notified. Such notification shall be made at least sixty (60) days prior to the scheduled date of the examination. All persons scheduled for a regular examination session will be so notified at least one (1) week prior to the scheduled exam date. The Department may administer examinations more frequently than quarterly during a one (1) year period following adoption of these regulations.

- (b) Regulations shall be amended, if needed, for those persons who do not pass the regular scheduled examination. The examination shall be scheduled approximately six (6) days after each regular examination. The Department shall also allow for examination at this time for those persons who have newly applied for licensure at least thirty (30) days prior to the scheduled examination date. All persons scheduled for examination or re-examination during the examination session will be so notified at least ten (10) week prior to the scheduled examination session.

- (c) If the applicant requested the examination of re-examination session, the applicant will be scheduled for the examination. The applicant shall be notified by mail at least ten (10) days prior to the examination date. Failure to do so will result in the applicant being scheduled and the applicant having to reapply for licensure. Any person who cannot attend such a session and who informs the

DEPARTMENT OF NATURAL RESOURCES

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Department in accordance with this Section will be scheduled for the next examination or re-examination session.

- (d) Applicants for blaster licensure shall be examined on the topics set forth in Section 300.235(b).

(Source: added at 20 Ill. Reg. **9546**, effective JUL 01 1996)

Section 300.237 Application and Licensure

- (a) Each applicant shall submit a completed application for licensure in forms supplied by the Department. The application shall be accompanied by the required fee, which is non-refundable. In order to be scheduled for the next examination session, the application must be received by the Department not less than sixty (60) days prior to that examination date. The Department shall review each application promptly and complete the review of each application not less than fifteen (15) days following the date of receipt of the application. Any applicant whose completed application has been received, reviewed and accepted by the Department more than fifteen (15) days prior to a regularly scheduled examination session shall be scheduled for that session. Any application whose application has been received, reviewed and accepted, but is not scheduled for the next regularly scheduled session, shall be scheduled for the next examination session. The completed application shall include:
 - (1) A notarized statement from the applicant's employer if a licensed blaster having personal knowledge of the applicant's blasting experience relating to the subjects listed in Section 300.235(d) of this Part, and affirming that the applicant has had at least two (2) years blasting experience.
 - (2) Proof that the applicant has successfully completed a blaster training course or courses that cover the material listed in Section 300.235(d) of this Part.

- (b) The Department shall review each application, including required documents, for completeness and the accuracy of the statements contained in the application and required documents. The Department's acceptance of an application shall be based on the applicant's compliance with the requirements of this Part.

- (c) Each applicant shall be required to pass a written examination administered and administered by the Department. The examination shall cover the subjects set forth in Section 300.235(d) of this Part. The minimum passing score shall be seventy percent (70) correct answers. The Department retains the sole right to determine whether any of all persons who fail the examination session listed below shall be so informed in writing within thirty (30) days after the date the applicant is found to be not qualified. Reason(s) for such denial shall be included with

- (d) Each applicant shall be required to pass a written examination administered and administered by the Department. The examination shall cover the subjects set forth in Section 300.235(d) of this Part. The minimum passing score shall be seventy percent (70) correct answers. The Department retains the sole right to determine whether any of all persons who fail the examination session listed below shall be so informed in writing within thirty (30) days after the date the applicant is found to be not qualified. Reason(s) for such denial shall be included with

DEPARTMENT OF NATURAL RESOURCES

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- 5) The blaster may file a request for review with the Department and if denied a hearing will ensue. The blaster will receive a written notice of denial. The Department shall issue a hearing order and the hearing will ensue. The hearing shall be held at the same place and time as the hearing for the original notice and the date of the notice. The hearing shall be held at the Illinois Department of Natural Resources, Office of Mines and Minerals, 211 S. Second St., Springfield, IL 62761-3777. If a hearing is requested, the hearing shall be conducted in accordance with 111 Ill. Adm. Code 100.2415 and shall be held in accordance with the Department shall give at least five (5) days notice of the date, time and location of the hearing to the blaster, his or her employer and any person who filed a report which led to the notice that was issued.

- 6) The blaster may file a request for hearing shall not act as a stay of the hearing. The hearing shall be held in accordance with the hearing actions required as part of the notice of violation.

5) License Suspension or Revocation

- 1) The Department shall, upon a finding of a willful violation, if an violation by the blaster, issue to the blaster a written notice to show cause why his license should not be suspended or revoked for a specified period not to exceed the term of the license.

- 2) The blaster shall have twenty (20) days from the receipt date of the notice of suspension or revocation to file a request for a hearing. If a hearing is requested, the hearing shall be held in accordance with the hearing actions required as part of the notice of violation. The hearing shall be held at the same place and time as the hearing for the original notice and the date of the notice. The hearing shall be held at the Illinois Department of Natural Resources, Office of Mines and Minerals, 211 S. Second St., Springfield, IL 62761-3777. If a hearing is requested, the hearing shall be conducted in accordance with the hearing actions required as part of the notice of violation.

- 3) The blaster shall have twenty (20) days from the receipt date of the notice of suspension or revocation to file a request for a hearing. If a hearing is requested, the hearing shall be held in accordance with the hearing actions required as part of the notice of violation. The hearing shall be held at the same place and time as the hearing for the original notice and the date of the notice. The hearing shall be held at the Illinois Department of Natural Resources, Office of Mines and Minerals, 211 S. Second St., Springfield, IL 62761-3777. If a hearing is requested, the hearing shall be conducted in accordance with the hearing actions required as part of the notice of violation.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

5) Springfield office

- 1) Upon written notice of revocation, including the findings upon which the notice was based, the blaster shall, without delay, surrender the revoked license to the Department.

(Source: Added at 20 Ill. Reg. **9546**, effective

JUL 1-1996)

Section 300.245 Notice of Violation

- 1) An authorized representative of the Department shall issue a notice of violation if, on the basis of an inspection, he or she finds a violation of this Part for which a cessation order may not be issued under Section 300.246.

- 2) A notice of violation issued under this section shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 3) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 4) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 5) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 6) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 7) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 8) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 9) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 10) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 11) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 12) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

- 13) The notice of violation shall be in writing, signed by the authorized representative who issued it, and shall set forth the nature of the violation.

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- 240.247(d). A notice of violation can only be terminated when all abatement action required by the Department has been completed.
- 2) A notice of violation may be modified, vacated or terminated in writing or altered by agreement between the Department and the violator.
- 1) An authorized representative of the Department or
- 2) The Director of the Department of Mines and Minerals Decision pursuant to Section 300.217.

(Source: Added at 10 Ill. Reg. 954 6, effective JUL 01 1996)

Section 300.216 Cessation Orders

a) Standards for issuance

- 1) An authorized representative of the Department shall immediately order a cessation of blasting operations if he or she finds, on the basis of any State inspection, any condition of practice, or any violation of Section 6.5 of the Act, which may cause injury to the general public or public or private property outside the blasting zone.
- 2) If the cessation order will not completely abate the imminent danger to harm in the most expeditious manner possible, the authorized representative of the Department shall cause abatement action to be taken by the operator to show it is issued to abate the condition. Practice of violation, the order shall specify the time or which abatement shall be accomplished and may require, and other orders, the use of existing or additional equipment and materials.
- b) A cessation order shall be in writing, signed by the authorized representative who issued it, and shall set forth with reasonable specificity:

- 1) The nature of the condition, practice or violation;
 - 2) The remedial action or affirmative obligation required, if any, including interim steps, if appropriate;
 - 2) The time established for abatement, if appropriate, including the time for testing any interim steps; and
 - 1) A reasonable restriction of the portion of the blasting zone to which it applies.
- 3) A cessation order shall be served upon the operator or an agent of the operator, if either is present in situ. If the operator or operator's agent is not present, the cessation order shall be sent to the operator's address by certified mail, return receipt requested. The cessation order shall be considered served upon personal delivery or mailed.
- 4) Mining operations and other activities intended to protect public health and safety and the environment may continue during the period of any cessation order, unless otherwise specifically prohibited.
- 5) The operator issued the cessation order may provide the Department

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written response to the violation(s) cited on or before fourteen (14) days after the delivery or mailing of the order. Such written response may include a proposed alternative to the Department's cessation order, a request for modification of the violation(s) and a request for a hearing. The Department may, at its discretion, modify the order or the violation(s) and the time within which the violator must respond to the Department's written response may be abated to the Illinois Department of Natural Resources, Office of Mines and Minerals, 524 S. Second Street, Springfield, Illinois 62767.

- 1) The cessation order shall provide that the person or persons named in the order has the right to request a hearing to contest the fact if the violation alleged by the Department, as well as the civil penalty assessed, after the issuance of the Office of Mines and Minerals Decision pursuant to Sections 10.11 and 10.11.3. In addition, the cessation order shall provide that the operator named in the order has the right to request a hearing for temporary relief from the cessation of blasting operations, in accordance with Section 300.217.
- 2) A cessation order issued under this section shall continue in effect until modified, vacated or terminated by the Department. Termination shall not affect the right of the Department to assess civil penalties for those violations in accordance with Section 300.217. A cessation order can only be terminated when an abatement action required by the Department has been completed.
- 3) A cessation order may be modified, vacated or terminated in writing by either:

- 1) An authorized representative of the Department; or
 - 2) The authorized representative of the Office of Mines and Minerals Decision pursuant to Section 300.217.
- 4) The filing of a request for temporary relief under Section 300.218 shall not operate as a stay of the cessation order. The cessation order may be stayed by the grant of temporary relief in accordance with Section 300.219.

(Source: Added at 10 Ill. Reg. 954 6, effective JUL 01 1996)

Section 300.247 Office of Mines and Minerals Decision

- 1) Upon receipt of a notice of violation or cessation order, the Director of the Office of Mines and Minerals, at his discretion, shall conduct an investigation and either affirm, vacate or modify the notice of violation or cessation order.
- 2) Modification of the notice of violation or cessation order may include:
- 1) Any different or additional remedial actions necessary to abate the violation and the time within which the violation must be abated;
 - 2) Imposition of civil penalties for each and every act of

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- violation:
- 3) Punishment: If permanent modification of conditions on the platting site which may include special monitoring or reporting requirements.
 - 4) An abatement step may be extended due to the existence of any additional conditions or factors in abatement or mitigation of the violation, including information provided by the operator, if the failure to meet the time previously set was not caused by the lack of diligence on the part of the operator to whom it was issued and
 - 5) Enforcement: When all abatement action required by the Department has been completed.
 - 6) Penalty to comply:
 - a) No cessation order or notice of violation issued under this Part may be issued against an operator's capability to comply.
 - b) Cancellation of the operator's capability to comply may be considered in mitigation of the amount of civil penalty assessed under this section.

d) Civil Penalty Assessment Process

The Department shall assess a penalty for each notice of violation or cessation order in determining the amount of civil penalties to assess. The Director of the Office of Mines and Minerals, or his designee, shall consider:

- i) The operator's history of previous violations. For purposes of determining the history of violations, the Department shall consider only those violations occurring at the same mining operation within a three year period.

- A) A violation shall not be counted if the notice or order is the subject of pending administrative review or the Department under Section 100-218.10 of the time to request such review has not expired, and thereafter it shall be counted for only three years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision.
- B) Documentation for which the notice or order has been issued shall be retained.
- C) History of violations
 - i) First violation: If the rule assess \$100.00.
 - ii) Second violation: If the same rule within a three year period from the date of issuance of the first violation, assess \$500.00.
 - iii) Third and subsequent violations of the same rule within a three year period from the date of issuance of the first violation, assess \$500.00.
- D) The seriousness of the violation.
- E) If the violation did not cause injury to persons or cause damage to public or private property, or if the Department

DEPARTMENT OF NATURAL RESOURCES

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cannot clearly make the determination that the violation caused injury to persons or caused damage to public or private property, and \$100.00.

- B) If the violation caused injury to persons or damage to public or private property, and \$500.00.

2) The failure of compliance of the operator.

A) If the violation occurred due to the operator's failure to use reasonable care, and \$250.00.

B) If the violation occurred as a result of the operator's recklessness or negligent conduct, and \$500.00.

3) Administrative requirements: In the case of a violation of an administrative requirement, such as a requirement to keep records, the Department shall assess a maximum civil penalty of \$500.00.

e) The Office of Mines and Minerals Decision, including the civil penalty assessment, shall be served on the operator within sixty (60) days after the issuance of the notice of violation or cessation order. The Office of Mines and Minerals Decision shall provide that the operator has the right to request a hearing to contest the facts of the violation and/or the civil penalty assessed in accordance with Section 100-218.10. The Office of Mines and Minerals Decision shall provide that the operator has the right to request a hearing to contest the facts of the violation, including the amount of civil penalty assessed, and shall be considered served upon mailing.

f) The Office of Mines and Minerals Decision includes the assessment of a civil penalty, and the operator named in such decision does not request a hearing in accordance with Section 100-218.10 to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days after service of the Office of Mines and Minerals Decision.

2) An Office of Mines and Minerals Decision not appealed in accordance with Section 100-218.10 within 30 days after service shall become a final administrative decision of the Department. The operator shall initiate a hearing in accordance with Section 100-218.10 to contest the Department's decision, including the amount of civil penalty assessed. The Department shall request a hearing within 30 days after the operator's request to the Office of Mines and Minerals Decision. The operator shall not proceed as a party of the hearing.

3) All civil penalties assessed and paid to the Department shall be deposited to the Aggregate Operations Regulatory Fund.

(Source: Added at 20 Ill. Reg. 9546, effective JUL 1 1996)

Section 300.218 Hearings

a) An operator shall have 10 days from the date of service of the Office

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of Mines and Minerals Decision to request a hearing. All requests for hearing shall be mailed or delivered to the Illinois Department of Natural Resources, Office of Mines and Minerals, 524 S. Second

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1) All hearings under this Section shall be conducted in accordance with the amended state provisions set forth in Article 10, Section 10.10, Administrative Procedure Act (FACPS 10.10-1). All hearings under this Section shall be conducted in a timely manner.

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The District Department of Natural Resources shall review and approve the plan and shall be responsible for the following:

1. The plan shall be in accordance with the District Department of Natural Resources' policy on the management of the District's natural resources.
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10. The plan shall be in accordance with the District Department of Natural Resources' policy on the management of the District's natural resources.

d) Judicial Review. Following service of the Department's final administrative decision, the operator may request judicial review of that decision in accordance with the Administrative Review Law 7705 LC 5 Act 441.

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Section 300.219 Temporary Relief

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the Department will be favorable to him and such relief will not adversely affect the health, safety, or welfare of the public or cause substantial harm or interference with the public property of the State of Illinois. All requests under this Section shall be conducted by a hearing officer designated by the Director in accordance with the amended Case Procedure Act set forth in Article 10 of the Illinois Administrative Procedure Act, 5 ILCS 100 Art. 10. All hearings under this Section shall be conducted at Springfield, Illinois.

- d) The Department's hearing officer shall issue a final administrative decision granting or denying temporary relief from the cessation order within 7 days after the close of the administrative record.
- e) Judicial review, following service of the Department's final administrative decision granting or denying temporary relief from the cessation order, the hearing officer may request judicial review of that decision in accordance with the Administrative Review Law (ARS 110S 5, Art. 2-11).

Section 300.250 Subpoenas

- a) Any party to proceedings brought under Sections 300.240 and 300.249 of this Part may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.
- b) The hearing officer, in issuing subpoenas, shall use the Department's subpoena service to deliver subpoenas to the witnesses. The hearing officer's summons shall be produced to the witness to request the witness's attendance at the hearing.
- c) The hearing officer shall issue subpoenas within 7 calendar days from the receipt of a request made in accordance with subsection (b) above and deliver the subpoena to the applicant who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall respond to any lawful subpoena of which he has actual knowledge. If payment of the witness fee and release application in the State Circuit Courts has been ordered, service of a subpoena may be effected extra-judicially by a return receipt signed by the witness at his authorized agent and an affidavit showing that the return was prepaid and was addressed to the witness, registered delivery with a check or money order for the fee and release enclosed.
- d) Any party served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena in whole or in part. All motions to quash filed under this subsection shall set forth a factual and/or legal basis for granting such relief.
- e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days from the receipt of the motion.

(Source: Added at 20 Ill. Reg. 9546 effective

July 1, 1996)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Radiation Inspectors and Inspections
- 2) Code Citations: 32 Ill. Adm. Code 410
- 3) Section Number:
Amendment 410.10
Amendment 410.20
Amendment 410.30
Amendment 410.35
Amendment 410.50
Amendment 410.60
Amendment 410.80
- 4) Statutory Authority: Implementing and authorized by Sections 5 and 25 of the Radiation Protection Act of 1990 (420 ILCS 40.5 and 25).
- 5) Effective Date of Amendments: July 5, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: July 1, 1996
- 9) Notice of Proposal Published in the Illinois Register: February 9, 1996 (40 Ill. Reg. 3314)
- 10) Has DCRP issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:
 - a) In Section 410.30(c), by inserting a new sentence at the end of this subsection (c) as follows:
"Radiation machine inspection reports prepared and submitted after an individual has been reinstated to the record will be accepted by the Department."
 - b) In Section 410.35, line 1, by changing the word "may" to the word "shall" after the word "Department", and by deleting the phrase "or reverse" after the word "suspend".
 - c) In Section 410.35, by inserting a new subsection (b) as follows:

"b) The Department shall revoke the registration of an individual as a nondepartment qualified inspector for repetitive activities initially resulting in suspension."

DEPARTMENT OF NUCLEAR SAFETY

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- d) In Section 410.35, by relettering the current subsection (b) to subsection "1d".
- e) In Section 410.35(c), line 5, by inserting the word "first" before the word "notify".
- f) In Section 410.35(c), line 5, by inserting the word "a" between the words "of suspension".
- g) In Section 410.35, by deleting "c1" and retaining the subsection letter "d".
- h) In Section 410.40 a)(3), line 4, by placing a period after the word "machine" and moving the phrase "(Section 25 (b) of the Act)" to the end of the subsection.
- i) In Section 410.50 a)(3), line 3, by placing in Italics "The inspection review fee shall not apply to inspections of radiation machines used for mammography."
- j) Have all the phrases listed upon by the Agency and JCRR been made as indicated in the Amendment letter issued by JCRR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Amendment will clear up an inconsistency between this rule and the provisions of the Radiation Protection Act of 1990 regarding the suspension or revocation of a nondepartment qualified inspector's (NDI's) registration. This amendment will provide a mechanism to suspend or revoke an NDI's registration. This amendment will also leave the late payment penalty for the Department's x-ray registration and inspection program. In addition, the Department is deleting the \$25 filing fee for nondepartment inspections of mammography machines but will bill the operator a \$25 inspection review fee per radiation machine as soon as practical after the Department receives the nondepartment qualified inspector's radiation inspection report. Finally, the Department is correcting the phrase "qualified nondepartment inspector" to reflect the statutory language of "nondepartment qualified inspector" each time it appears in this Part.
- 16) Information and questions regarding these amendments shall be directed to:

Valecie A. Puccini
Staff Attorney
Department of Nuclear Safety

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

1035 Outer Park Drive
Springfield, IL 62704
(317) 52-2833 (Voice)
(317) 52-2433 (TDD)

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY
CHAPTER 11: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER 9: RADIATION PROTECTION

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RADIATION INSPECTORS AND INSPECTIONS

Section 17

NOTES
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ST. CITY
SUSPENSION AND REVOCATION OF REGISTRATION AS A NONDEPARTMENT QUALIFIED

JUSTICE

NOTATION FOR SECTION OF THE

05-014 05-014

410.60 Choice of Type of Inspector, Inspection Fees and Inspection Schedule

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156	Adams, J. H.	The	1964	1
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177	Adams, J. H.	The	1964	1
178	Adams, J. H.	The	1964	1
179				

[illegible]

implemented and analyzed by sections 3 and 25 of the Religion
 Department.

SOURCE: Added at 8 11L Reg. 3309, effective November 19, 1981; amended at 9 11L Reg. 3312, effective November 19, 1981; amended at 10 11L Reg. 3426, effective July 29, 1986; amended at 13 11L Reg. 342, effective January 30, 1989; amended at 14 11L Reg. 3638, effective August 3, 1991; amended at 17 11L Reg. 39570, effective October 4, 1991; amended at 20 11L Reg. 419570, effective July 1, 1993.

Section 410.10 Policy and Scope

- [illegible]

DEPARTMENT OF NUCLEAR SAFETY

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- a) Establishes the Department's procedures for reviewing the inspection procedures followed by qualified nondepartment qualified inspectors and the inspection reports prepared by nondepartment qualified inspectors.
- b) This Part shall apply to any person who operates a radiation installation in Illinois. This Part shall also apply to any person, organization, or institution that manufactures, distributes, or uses radiation emitting devices or radiation emitting equipment in Illinois. The Department shall promulgate the radiation marking requirements required by Section 15-1.2 of the Radiation Protection Act of 1990.

(Source: Amended at 20 Ill. Reg. 9570, effective JUL 05 1996)

Section 410.20 Radiation Inspectors Education/Experience and Instrumentation Requirements

- [illegible]

Education and/or

Certification

- 1) Certification by the American Board of Radiology, American Board of Medical Physics or Canadian College of Medical Physicists, in radiological physics or diagnostic radiological physics and 6 months of x-ray and survey experience.
- 2) Certification by the American Board of Health Physics and 1 year of applied x-ray radiation protection experience.
- 3) Doctorate (Ph.D.) or Master's (MS NA) degree in physics, in health physics, and 1 year of applied x-ray radiation protection experience.

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- medical, radiological physics or physics of which 6 months must be x-ray experience.
- 4) Bachelor's (BS BA) and 2 years of applied x-ray radiation protection experience of which 6 months must be x-ray survey experience.
- 5) Master's (MS MA) or 3 years of applied x-ray radiation protection experience of which 1 year must be life science or in mathematics.
- c) Upon initial application to the Department, and as a condition for approval as a qualified inspector, an applicant shall submit verification of access to instruments which will enable the individual to perform inspections and tests in accordance with Department standards.
- d) Individuals approved by the Department as qualified nondepartment inspectors shall continue to remain approved as qualified nondepartment qualified inspectors unless approval is removed for cause pursuant to Section 410.35 of this Act.

(Source: Amended at 20 Ill. Reg. **9570**, effective

JUL 05 1996)

Section 410.10 Approval of Application and Application/Registration Fees

- a) An applicant for approval by the Department as a qualified nondepartment qualified inspector shall submit a complete and legible application in form prescribed and furnished by the Department. The Department shall assess each applicant an application fee of \$50 as presented to the Department on or before the day of the calendar year. The application fee is non-refundable. Section 410.10 of the Act.
- b) The Department shall provide written notification to the applicant concerning the status of the application within 4 weeks after receipt of the application. If approval is granted, the applicant shall receive a "Notice of Approval" and the individual's name and address shall be entered in the record of persons approved as qualified nondepartment qualified inspectors of radiation machines.
- c) The Department shall assess all qualified nondepartment qualified inspectors an annual registration fee of \$50 as prescribed in Section 410.35 of the Act payable on January 1 of each year. The registration

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fee is non-refundable. (Section 410.10 of the Act.) Failure of the inspector to remit the appropriate registration fee by January 1, will cause the Department to remove the individual's name from the record specified in subsection (b) of this section. If an individual's name is removed from the record of qualified nondepartment qualified inspectors, the Department will not accept radiation machine inspection reports completed on or after the date the inspector's name was removed from the record. Radiation machine inspection reports received and submitted after an individual has been removed from the record of qualified inspectors shall be removed from the record of the nondepartment qualified inspectors due to nonpayment of the fee. It shall be practiced in Section 410.10 of the Act that individual's name shall be reinstated automatically to the record of nondepartment qualified inspectors upon payment of and receipt by the Department of the prescribed fee.

AMENDED 9575--The annual registration fee for qualified nondepartment inspectors is \$50--See Section 410.35 of the Act.

(Source: Amended at 20 Ill. Reg. **9570**, effective **JUL 05 1996**)

Section 410.35 Suspension and Revocation of Registration as a Nondepartment Qualified Inspector Removal of Approval as Qualified Nondepartment Inspector

a) The Department shall suspend the registration of any nondepartment qualified inspector and remove an individual as a nondepartment qualified inspector and remove the individual's name from the record of qualified nondepartment qualified inspectors for any one or a combination of the following causes:

- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for approval as a qualified nondepartment qualified inspector or inspection as a qualified nondepartment qualified inspector.
- 2) Willfully evading the Department's regulations, or willfully evading another person in evading such regulations.
- 3) Exhibiting significant or repeated incompetence in the performance of inspections of radiation machines.
- 4) Knowingly submitting to the Department an inspection report that contains false or misleading information.
- 5) Submitting to the Department under his/her inspector identification number and signature a report for an inspection that he or she did not personally perform.
- 6) Failing to pay the registration fee prescribed in Section 410.35 of the Act.

b) The Department shall revoke the registration of an individual as a

DEPARTMENT OF NUCLEAR SAFETY

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nondepartment qualified inspector for repetitive activities initially resulting in suspension.

2. If, based upon any of the above grounds, the Department determines that action is necessary to suspend, revoke or annul the registration of a nondepartment qualified inspector, the Department shall advise the individual in writing of the reasons for its action and the proposed length of suspension and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 400.40. An opportunity for a hearing shall be provided before the Department takes action to suspend, revoke or annul the registration of a nondepartment qualified inspector. The Department shall maintain a record of the names of nondepartment qualified inspectors who have been suspended, revoked or annulled, and the reasons therefor.

3. An individual whose registration has been suspended, revoked or annulled shall be ineligible to perform the duties of a nondepartment qualified inspector until such time as the individual has been reinstated to the record by filing a petition for reinstatement with the Department within the time period specified in the Department's rules. Such petition may only be accepted for consideration by the Department after the individual's name has been removed from the record of suspended, revoked or annulled inspectors. The individual shall be allowed a hearing in accordance with 32 Ill. Adm. Code 400.

(Source: amended at 20 Ill. Reg. 9570, effective JUL 05 1996)

Section 410.50 Inspection Procedures

a) The qualified nondepartment qualified inspector shall:

- 1) Establish whether radiation machines are being maintained and operated in accordance with standards established by the Department to protect the public health as set forth in 32 Ill. Adm. Code 410.140, 350, 360, 380, 390, 400 and 401, and
- 2) Consult with the operator to ascertain the identity of individuals who use the equipment to administer ionizing radiation to human beings (see 32 Ill. Adm. Code 560.30(a)(4) and 560.30(i)) and to verify that those named individuals are licensed in accordance with State law, are accredited by the Department or are exempt from such requirements in accordance with 32 Ill. Adm. Code 401.30.

b) The qualified nondepartment qualified inspector shall provide timely, accurate and thorough inspection reports and certify all survey

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findings on appropriate Department radiation machine inspection forms. A survey instruction manual will be provided to each inspector by the Department upon receipt of the instrument.

- c) The qualified nondepartment qualified inspector shall perform radiation measurements with instruments which are sufficiently sensitive to determine compliance with the standards established by the Department under this section. These instruments shall be calibrated with devices which have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology.
- d) The qualified nondepartment qualified inspector shall certify on each radiation inspection report that he prepares for submission to the Department that he personally performed the inspection and that the inspection was performed in accordance with the standards established by the Department. (See Section 410.1 of the Act)
- e) The qualified nondepartment qualified inspector shall certify on appropriate Department radiation machine inspection forms for each inspection that his/her instruments have been properly calibrated at intervals not to exceed 12 months prior to each inspection.
- f) The qualified nondepartment qualified inspector shall maintain, for a period of at least the inspection cycle (see Section 410.60(d) of this Part), a copy of all inspection data gathered during inspections of radiation machines conducted in accordance with subsection a) of this section.
- g) This section does not require that the inspection be completed within 10 days of the date of the inspection and testing of each radiation machine by a qualified nondepartment qualified inspector. A qualified nondepartment qualified inspector shall forward a legible copy of the inspection report along with the appropriate inspection review rating fee to the Department. (See Section 410.60(a)(3) of this Part.)
- h) In the event the Department has reason to question the accuracy or thoroughness of a radiation machine inspection report due to the submission of incomplete or contradictory information or, if the Department is not able to verify compliance with the Department's standards for operating such equipment in accordance with 32 Ill. Adm. Code 410.320, 340, 350, 360, 380, 390, 400 and 401, the report will be returned to the operator for completion, correction or for re-inspection as appropriate. Forms returned to the operator for correction or completion, or for re-inspection must be returned to the Department within 30 days of receipt.
- i) Within 30 days of receipt of a completed radiation machine inspection report, the Department will provide results to the operator regarding the inspector's survey.
- j) Reviews of qualified nondepartment qualified inspectors' survey findings and inspection procedures will be conducted by the Department. Items and procedures considered as part of such reviews shall include, but need not be limited to, one or more of the following:

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requirements of 32 Ill. Adm. Code 360.10, or are accredited by the Department, or exempt from such requirements in accordance with 32 Ill. Adm. Code 431.30.

c) Inspection Report Filing Anniversary Date

1) Each operator of a radiation installation shall file an application for initial inspection and testing to be performed by a qualified Department inspector or a qualified nondepartment qualified inspector no later than 30 days after the initial installation of a radiation machine(s) (see Section 360.10-2-1) and the radiation machine(s) shall be inspected and tested in accordance with Section 410.80(a) of this Part and radiation inspection report(s) filed with the Department within 6 months of the date of initial installation. (Section 410.80(a) of this Part) The inspection and testing and test will establish the operator's filing anniversary date for filing subsequent radiation machine inspection reports. After the inspection and testing of the radiation machine(s), the Department will determine the radiation inspection report(s) filing anniversary date. The radiation inspection report(s) shall be filed with the Department on or before the operator's filing anniversary date or within the 5-month period immediately preceding the operator's filing anniversary date. Submission of inspection reports within the 5-month period immediately preceding the operator's filing anniversary date will not change the filing anniversary date for subsequent inspection reports.

2) If any radiation machine(s) is installed, relocated (i.e., stationary equipment that has been moved), or deactivated within 7 months prior to the operator's inspection report filing anniversary date and if the machine(s) is inspected during the 7-month period, the radiation machine(s) does not have to be re-inspected within the 5-month period prescribed in subsection (c)(1) of this Section above. The radiation inspection report(s) shall be filed with the Department on or before the operator's inspection report filing anniversary date.

3) If any radiation machine(s) totally replaces the operator's radiation machine inventory, the operator's inspection report filing anniversary date will be changed to the end date of the inspection and testing of the radiation machine(s). In accordance with subsection (c)(1) of this Section above, inspection reports shall be filed within 6 months from the date the operator's report filing anniversary date is changed.

d) An operator shall file an application for subsequent inspections to be performed by either a Department or qualified inspector in accordance with the following schedule:

1) Operators of Class A installations shall file an application for inspection each 5 years.

2) Operators of Class B installations shall file an application for inspection each 2 years.

3) Operators of Class C installations shall file an application for inspection annually.

4) Applications for inspections of existing radiation machines must be filed with the Department within 6 months of the operator's inspection report filing anniversary date.

e) Operators of radiation installations shall notify the Department within 30 days of the installation of new, used, relocated, or deactivated radiation machines. Inspection and testing of the radiation machine(s) shall be performed in accordance with subsection (c) of this Section above and radiation inspection report(s) filed with the Department within 6 months of the date of installation activation of the system(s). The section of Department or qualified nondepartment qualified inspector which was made pursuant to subsection (d) of this Section above, shall also apply to inspections of equipment required by this subsection (e), unless the Department is notified that a change is requested. This Section applies to the radiation or deactivation of a radiation machine(s) that previously had been stored or rendered inoperable or electrically inoperable by the operator.

(Source: Amended at 20 Ill. Reg. 9570, effective JUL 05 1996)

Section 410.80 Charge in Operator

Within 30 days of changing the operator of a radiation installation, the new operator must notify the Department and must file an application for inspection by either a Department inspector or by a qualified nondepartment qualified inspector. Such filing and inspection must be made regardless of the length of time which has passed since the most recent inspection of the radiation installation through the previous operator.

(Source: Amended at 20 Ill. Reg. 9570, effective JUL 05 1996)

RENEWAL OF INTELLECTUAL PROPERTY RIGHTS

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

Reading of the Part: Income Tax

	Copy	10/11/01	11/11/01	12/11/01	13/11/01
(1)	Copy	10/11/01	11/11/01	12/11/01	13/11/01

Section Numbers:	Proposed Action:
100.9710	New Section

4) Date Notice of Proposed Amendment published in the Illinois Register
September 15, 1995, at 111, Reg. '2966

51 Reason for the Withdrawal: The Department received a number of comments on the proposed rulemaking. As a result of its evaluation of the comments, the Department concluded that fundamental changes in the rulemaking were required. Because of the scope of the required changes, it is appropriate to withdraw the rulemaking and re-propose a new rulemaking on the subject in order to allow interested parties a full opportunity to comment on the rulemaking as revised.

DEPARTMENT OF AGRICULTURE

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Grain Code
- 2) Code Citation: 9 Ill. Adm. Code 291
- 3) Section Numbers: Main Authority Note
- 4) Date Processed Published in Illinois Register: January 5, 1996, 20 Ill. Reg. 1
- 5) Date Adoption Published in Illinois Register: April 12, 1996, 20 Ill. Reg. 3499
- 6) Summary and Purpose of Expedited Correction: An inadvertent error was made in the ILOS reference for the Grain Code in the Authority Note.
- 7) Information and Questions Regarding this request shall be directed to:

Name: Debbie Wakefield
 Address: Illinois Department of Agriculture
 Illinois State Fairgrounds
 Springfield, IL 62794-9391
 Telephone: (217) 785-3713

DEPARTMENT OF AGRICULTURE

NOTICE OF EXPEDITED CORRECTION

- TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER 4: GRAIN
 PART 291
 GRAIN CODE

Section

- 281.10 Right of Examination and Working Conditions
 281.20 Licensing: Application, Fees and Financial Ratios
 281.30 Required Insurance
 281.40 Required Records
 281.50 Required Contracts
 281.60 Warehouse Receipts
 281.70 Types of Storage
 281.80 Failure: Claims; Liquidation
 281.90 Miscellaneous

AUTHORITY: Implementing and authorized by the Grain Code (240 ILOS 401).

SOURCE: Adopted at 20 Ill. Reg. 3499, effective April 1, 1996; expedited correction at 20 Ill. Reg. **9585**, effective April 1, 1996.

Section 281.10 Right of Examination and Working Conditions

Right of Examination and Working Conditions:

- a) The licensee shall permit the Department to examine all warehouse facilities, records or inventory without prior notice. The licensee shall provide reasonable access to records at the location where records are maintained and shall provide assistance requested to perform the examination. The licensee shall reasonably remove risks or hazards that may be encountered during an examination. The licensee shall provide the necessary assistance to any authorized representative of the Department for the safe measurement and sampling of grain.
- b) The licensee shall provide an acceptable work place at the location where the master books and records are maintained for any authorized representative of the Department to perform an examination.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

DEPARTMENT ON AGING

NOTICE OF FAILURE TO REMEDY

JULY 1996 REGULATORY AGENDA

- 1) Heading of the Part: Demonstration Programs
 - 2) Code Citation: 89 Ill Adm Code 170
 - 3) Section Numbers: 170.400 Action: Refusal to remedy in response to JCAR Recommendation
 - 4) Notice of Proposal: Published in Illinois Register: 11/17/95
 - 5) Date JCAR Issued Statement of Recommendation: 2/20/96
 - 6) Summary of Action taken by the Agency: The Committee recommended that DPA seek an amendment to Section 170.400 of the Illinois Code in order to continue the administration of the "Modified System Administration Project" for a period of 12 months after the date of the Public Act 38-154 currently in place. The Department did not provide a written response to the JCAR Recommendation, which constitutes a failure to remedy.
 - 7) JCAR Action: DPA plans to run this demonstration project for 3 years, as required by the federal waiver. While adherence to the federal waiver is necessary to the program, the statute should not be left with a provision that DPA is going to ignore. At the June 25, 1996 meeting, JCAR determined that DPA's lack of response failed to remedy the Recommendation. This Notice of Failure to Remedy the Recommendation is published in accordance with 1 Ill Adm Code 270.120. In addition to publishing this notice, the Committee voted to propose and seek passage of legislation changing the 12 months authorized by current statute to 3 years and to notify the General Assembly leadership of DPA's refusal to seek a change in statute even though it persisted in adopting rules that are not in accord with current statute.
-
- a) Part(s) (Heading and Code Citation): Elder Rights Program, 89 Ill. Adm. Code 270
 - 1) Rulemaking:
 - A) Description: This rulemaking describes the requirements of the Elder Abuse and Neglect Program. The rulemaking includes a description of the purpose and organization of the program, the responsibilities of the Department, the Regional Administrative Agencies and the Elder Abuse and Neglect Provider, the process of intake, classifying, substantiating and following up on a report, confidentiality and immunity and establishing and maintaining a case record.
 - B) Statutory Authority: JAO ICS 20-10
 - C) Scheduled "working" hearing date: The Department does anticipate conducting public hearings on this rulemaking.
 - D) Date agency anticipates First Notice: The Department anticipates First Notice after August, 1996.
 - E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect only those not-for-profit corporations or units of local, county or municipal government which are designated elder abuse and neglect provider agencies.
 - F) Agency contact person for information:
Ms. Pamela W. Sanner, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #200
Springfield, IL 62701-1799
(217) 785-3346
 - G) Related rulemakings and other pertinent information: Repeal of the current 89 Ill. Adm. Code 270 (Elder Abuse Program).
 - b) Part(s) (Heading and Code Citation): Elder Rights Program, 89 Ill. Adm. Code 270
 - 1) Rulemaking:
 - A) Description: This rulemaking describes the requirements of the Long Term Care Ombudsman Program. Subpart B sets forth the

DEPARTMENT ON AGING

JULY 1996 REGULATORY AGENDA

definition of terms used in the rules, responsibilities of the Department and the Office of the State Long Term Care Ombudsman, provisions for displaying the ombudsman program poster, means by which ombudsmen to access resident records in the residential care facilities to give consent, and requirements preventing conflict of interest within the program.

B) Statutory Authority: 20 ILCS 105/4.1(c)

C) Scheduled hearing/hearing date: The Department does anticipate conducting public hearings in this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice after August, 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect long term care facilities, provider agencies and licensed long term care facilities.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue 1100
Springfield, IL 62704-1159
(217) 785-2346

G) Related rulemakings and other regulatory information: Repeal of 89 Ill. Am. Code, Section 230.12.

c) Part(s) (Heading and Code Citation): Elder Rights Program, 89 Ill. Am. Code 210

1) Rulemaking:

A) Description: This rulemaking describes the requirements for registration of board and care homes, as required by Public Act 89-387, Board and Care Home Registration Act. The rulemaking includes a description of the process of registration, registration fees, the relation of a listing of registered board and care homes and other provisions related to the Public Act.

B) Statutory Authority: 235 ILCS - 3

F) Scheduled hearing/hearing date: The Department does anticipate conducting public hearings in this rulemaking.

DEPARTMENT ON AGING

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D) Date agency anticipates First Notice: The Department anticipates First Notice after September, 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect only those small businesses and not for profit corporations which own, operate or manage a board and care home, as defined in the Act.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue 1100
Springfield, IL 62704-1159
(217) 785-2346

G) Related rulemakings and other regulatory information: None

d) Part(s) (Heading and Code Citation): General Programmatic Requirements, 89 Ill. Am. Code 220

1) Rulemaking:

A) Description: This rulemaking describes the selection and designation of a Case Coordinator Unit (CCU) by the Illinois Department on Aging and Area Agencies on Aging and the related service activities.

B) Statutory Authority: 20 ILCS 105/4.01 (11)

C) Scheduled hearing/hearing date: The Department does anticipate conducting public hearings in this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice after August, 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect only those small businesses, municipalities, local governments and not for profit corporations which currently provide case management services or elect to respond to a request for proposal to receive a CCU.

F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel

DEPARTMENT ON AGING

JULY 1996 REGULATORY AGENDA

1) Rulemaking:

A) Description: This rulemaking describes the selection and designation of a Case Coordination Unit (CCU) by the Illinois Department on Aging and Area Agencies on Aging and the related service activities.

B) Statutory Authority: 20 ILCS 105/4.01 (11)

C) Scheduled meeting/hearing date: The Department does anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice after August, 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect only those small businesses, municipalities, local governments and not-for-profit corporations which currently provide case management services or elect to respond to a request for proposal to become a CCU.

F) Agency contact person for information:

Ms. Pamela W. Salmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 220 and 89 Ill. Adm. Code 230

9) Part(s) (Heading and Code Citation): Community Care Program, 89 Ill. Adm. Code 240

1) Rulemaking:

A) Description: This rulemaking describes the Electronic Home Response service.

B) Statutory Authority: 20 ILCS 105/4.01 (11)

C) Scheduled meeting/hearing date: The Department does anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates

DEPARTMENT ON AGING

JULY 1996 REGULATORY AGENDA

Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789
(217) 785-3346

C) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 230 and 89 Ill. Adm. Code 240

e) Part(s) (Heading and Code Citation): Older Americans Act Programs, 89 Ill. Adm. Code 210

1) Rulemaking:

A) Description: This rulemaking describes the selection and designation of a Case Coordination Unit (CCU) by the Illinois Department on Aging and Area Agencies on Aging and the related service activities.

B) Statutory Authority: 20 ILCS 105/4.01 (11)

C) Scheduled meeting/hearing date: The Department does anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice after August, 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect only those small businesses, municipalities, local governments and not-for-profit corporations which currently provide case management services or elect to respond to a request for proposal to become a CCU.

F) Agency contact person for information:

Ms. Pamela W. Salmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, IL 62701-1789
(217) 785-3346

G) Related rulemakings and other pertinent information: 89 Ill. Adm. Code 220 and 89 Ill. Adm. Code 240

f) Part(s) (Heading and Code Citation): Community Care Program, 89 Ill. Adm. Code 240

DEPARTMENT ON AGING

JULY 1996 REGULATORY AGENDA

First Notice during the period of time after July, 1996, but prior to January, 1997.

- B) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect only those small businesses, municipalities, local governments and not-for-profit corporations which currently provide Community Care Program services or elect to respond to a request for proposal.

F) Agency contact person for information:

Ms. Pamela N. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue 4100
Springfield, IL 62701-1789
(217) 785-3346

- G) Related rulemakings and other pertinent information: None

- n) Part(s) (Heading and Code Citation): Community Care Program, 99 Ill. Adm. Code 210

1) Rulemaking:

- A) Description: This rulemaking describes the Home Delivered Meal service.

- B) Statutory Authority: 20 ILCS 105.4.01 (11)

- C) Scheduled meeting/ hearing date: The Department does anticipate conducting public hearings on this rulemaking.

- D) Date Agency anticipates First Notice: The Department anticipates First Notice during the period of time after July, 1996, but prior to January, 1997.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect only those small businesses, municipalities, local governments and not-for-profit corporations which currently provide Community Care Program services or elect to respond to a request for proposal.

F) Agency contact person for information:

Ms. Pamela N. Balmer, Assistant
Office of General Counsel

DEPARTMENT ON AGING

JULY 1996 REGULATORY AGENDA

Illinois Department on Aging
421 East Capitol Avenue 4100
Springfield, IL 62701-1789
(217) 785-3346

- G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): Community Care Program, 99 Ill. Adm. Code 210

1) Rulemaking:

- A) Description of the rule(s): This rulemaking will address the adult day care unit related maximum service levels.

- B) Statutory Authority: 20 ILCS 105.4.01 (11)

- C) Scheduled meeting/ hearing date: The Department does not anticipate conducting public hearings on this rulemaking.

- D) Date Agency anticipates First Notice: The Department anticipates First Notice during the period of time after July, 1996, but prior to January, 1997.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect only those small businesses, municipalities, local governments and not-for-profit corporations which currently provide Community Care Program services.

- F) Agency contact person for information:

Ms. Pamela N. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue 4100
Springfield, IL 62701-1789
(217) 785-3346

- G) Related rulemaking and other pertinent information: None

- j) Part(s) (Heading and Code Citation): Long-Term Care Insurance Partnership Demonstration Program, 99 Ill. Adm. Code 260

1) Rulemaking:

DEPARTMENT ON AGING

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A) Description: This rulemaking describes the Department's additions to the Part to implement the provisions of Senate Bill 2533.

B) Statutory Authority: 20 ILCS 105/4.01 (11)

C) Scheduled meeting/hearing date: The Department does anticipate conducting public hearings on this rulemaking.

D) Date agency anticipates First Notice: The Department anticipates First Notice during the period of time after July, 1996, but prior to January, 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect the general public and providers of long term care insurance.

F) Agency contact person for information:

Ms. Pamela W. Baker, Assistant
Office of General Services
131 East Capitol Avenue, 400
Springfield, IL 62702-1799
(217) 785-1316

G) Related rulemakings and other pertinent information: None

ILLINOIS COMMERCE COMMISSION

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a) Part(s) (Heading and Code Citation): procedures for Gas, Electric, Water, and Sanitary Sewer utilities governing eligibility for Service, Deposits, Payment Practices and Discontinuance of Service, 83 Ill. Adm. Code 280.

1) Rulemaking:

A) Description: This rulemaking will revise the Commission's rules concerning the relation between the listed listed utilities and the concerns of these utilities. As indicated in the heading of this Part, the subjects include eligibility for service and standards of utility service. It should be noted that this rulemaking will not consider the relation between customers and telecommunications carriers.

B) Statutory Authority: Implementing the Small Business Utility Deposits Act (220 ILCS 35) and Sections 3-101 and 3-107 of the Public Utilities Act (220 ILCS 5/1-1 and 5-201), and authorized by Section 8 of the Small Business Utility Deposit Relief Act (220 ILCS 35.8) and Sections 3-101, 3-107, and 3-101.1 of the Public Utilities Act (220 ILCS 5/3-101, 3-107, and 3-101.1).

C) Scheduled meeting/hearing date: The next hearing in this proceeding will be on August 30, 1996. Persons interested in participating in this proceeding should file a petition to intervene in Docket 95-950.

D) Date agency anticipates First Notice: March 1, 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have some effect on small businesses and not for profit corporations.

F) Agency contact person for information:

Donna W. Catch
Chief Clerk
Illinois Commerce Commission
537 North Capitol Avenue
Springfield, IL 62706
(217) 782-7434

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Abbreviated Dialing Arrangements, 83 Ill. Adm. Code, Chapter 2, subchapter 2 (exact Part designation undetermined at this time)

ILLINOIS COMMERCE COMMISSION
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1) Rulemaking:

- A) Description: In Commission Docket 92-0117, which adopted 93 Ill. Adm. Code 772, "pay-per-call services", the Commission entered an order in which it was determined that the issue of the use of abbreviated dialing arrangements (the dialing of less than seven digits to complete a call) for pay-per-call services would be considered in that rulemaking, but would be examined by the Commission at a later date. This issue had been raised in comments by the Illinois Telephone Association.

In a Staff Report issued April 21, 1995, the Commission Staff summarized the position of the Illinois Telephone Association and recommended that, prior to determining whether abbreviated calling arrangements should be added to the pay-per-call rules in Part 772, the Commission initiate a docket for the purposes of examining the issue of abbreviated dialing arrangements generally and formulating any Commission response in the form of rules. The Commission opened a docket on May 3, 1995 to examine this issue.

- B) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/8-201 and 10-101).

- C) Scheduled meeting/hearing date: Persons interested in participating in this proceeding should file a petition to intervene in Docket 95-0205.

- D) Date agency anticipates First Notice: April 1, 1997.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have an effect on those small businesses that are also employing or may employ abbreviated dialing arrangements or those telecommunications carriers that are also small businesses offering such arrangements.

- F) Agency contact person for information:

Donna Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 782-7434

- G) Related rulemakings and other pertinent information: None

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- C) Part(s) Heading and Code Citation(s): Standard Filing Requirements for Electric, Gas, Water and Sewer Utilities and Telecommunications Carriers in Filing for an Increase in Rates, 83 Ill. Adm. Code 285

1) Rulemaking:

- A) Description: This rulemaking proceeding is examining the required data that must be filed with the Commission when any of the subject entities files a general rate increase. This material is reviewed by Commission staff in preparation of the rate case.

- B) Statutory Authority: Implementing Section 9-201 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/9-201 and 10-101).

- C) Scheduled meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 95-0311.

- D) Date agency anticipates First Notice: Underdetermined.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject utilities or local exchange carriers that are also small businesses.

- F) Agency contact person for information:

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434

- G) Related rulemakings and other pertinent information: None

- D) Part(s) Heading and Code Citation(s): Local Number Portability, 83 Ill. Adm. Code Chapter I, subchapter 2 (exact Part designation undetermined at this time)

1) Rulemaking:

- A) Description: Docket 96-0128 was opened by the Commission to implement a permanent solution for local telephone number portability in Illinois. This would allow a customer to retain the same telephone number regardless of moves within the State or the telecommunications carrier chosen by the customer.

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B) Statutory Authority: Implementing Section 8-201 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

C) Scheduled meeting/hearing date: Persons interested in participating in this proceeding should file a petition to intervene in Docket 96-0034.

D) Date agency anticipates first notice: April 1, 1997.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have an effect on those small businesses that are also employing or may employ abbreviated dialing arrangements or those telecommunications carriers that are also small businesses offering such arrangements.

F) Agency contact person for information:

Donna Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 13280
Springfield, IL 62794-3280
(217) 782-7434

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Embedded Costs, 83 Ill. Adm. Code: Chapter 1, subchapter f (exact part designation undetermined at this time)

1) Rulemaking:

A) Description: The Commission has initiated a proceeding in which it is investigating the source and appropriate treatment of those embedded costs comprising the residual revenue requirement for telecommunications carriers.

B) Statutory Authority: Implementing Section 5-102 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102 and 10-101].

C) Scheduled meeting/hearing date: Persons interested in participating in this proceeding should file a petition to intervene in Docket 96-0034.

D) Date agency anticipates first notice: Unknown.

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E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have an effect on those small businesses that are also telecommunications carriers.

F) Agency contact person for information:

Donna Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 13280
Springfield, IL 62794-3280
(217) 782-7434

G) Related rulemakings and other pertinent information: None.

ENVIRONMENTAL PROTECTION AGENCY
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- a) Parts(s) (Headings and Code Citation(s)): Procedures for the Determination of Water Quality Based Effluent Limits, 35 Ill. Adm. Code 352
- b) Statutory Authority: Public Act 89-465 (passed May 9, 1996, signed into law June 13, 1996).

- c) Scheduled meeting/hearing date(s): No meetings/hearings are scheduled at this time.

- d) Date Agency anticipates first notice: A Notice of Proposed Rules will appear in the Register after this proceeding commences. Submission of the proposal to the Register will commence proceedings and is expected in the late summer or fall of 1996.

- e) Effect on small business, small municipalities or not-for-profit corporations: This rule will implement a pilot program and, therefore, will only apply to a small number of sources that submit a request to participate and are accepted into the pilot program based on criteria set forth in the legislation.

- f) Agency contact person for information: Address written comments concerning the substance of the rulemaking and address questions concerning this regulatory agenda as follows:

Name: Laurel L. Krocak
Address: Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-324-3333

- g) Other pertinent information concerning these amendments: None

- c) Part(s): Procedures for the Determination of Mixing Zones, 35 Ill. Adm. Code 353

1) Rulemaking:

- a) Description: These rules establish the criteria to be used by the Illinois Environmental Protection Agency in establishing mixing zones necessary to ensure compliance with water quality standards for individual dischargers, pursuant to 35 Ill. Adm. Code 302.102.

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- a) Part(s) (Headings and Code Citation(s)): Procedures for the Determination of Water Quality Based Effluent Limits, 35 Ill. Adm. Code 352

1) Rulemaking:

- a) Description: These rules establish the criteria to be used by the Illinois Environmental Protection Agency in establishing effluent limits necessary to ensure compliance with water quality standards for individual dischargers, pursuant to 35 Ill. Adm. Code 304.195.

- b) Statutory Authority: Authorized by Section 39(b) of the Illinois Environmental Protection Act, 415 ILCS 5/39(b).

- c) Scheduled meeting/hearing date: Not yet determined.

- d) Date Agency anticipates first notice: December 1, 1996

- e) Effect on small business, small municipalities or not-for-profit corporations: Yes

- f) Agency contact person for information:

Name: Robert Mosher
Address: Bureau of Water
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
Telephone: (217) 792-3362

- g) Related rulemakings and other pertinent information: Not yet determined.

- b) Part(s) (Headings and Code Citation(s)): Environmental Management System

1) Rulemaking:

- a) Description: The Illinois Environmental Protection Agency (Agency) will be developing rules to implement recent legislation (House Bill 1161, Public Act 89-465). This legislation will allow state implementation of Federal V program projects (See: 60 FR 7282, May 23, 1995) and allow for similar State-sponsored pilot projects.

The legislation also anticipates that rules will be developed by the agency and submitted to the Pollution

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- B) Statutory Authority: Authorized by Section 39(b) of the Illinois Environmental Protection Act, 415 ILCS 5/39(b).
- C) Scheduled meeting/hearing date: Not yet determined.
- D) Date agency anticipates first notice: December 1, 1996
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes
- F) Agency contact person for information:

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: December 1, 1996

- 2) Effect on small businesses, small municipalities or not for profit corporations? Yes

- F) Agency contact person for information:

Name: Robert Mosher
Address: Bureau of Water
Illinois Environmental Protection
2200 Churchill Road
Springfield, IL 62794-3276
Telephone: (217) 782-3362

Name: Rachel J. Doctors
Address: Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 13776
Springfield, Illinois 62794-9776
Telephone: 217/521-1333

- G) Related rulemakings and other pertinent information: Not yet determined.

- | | Part 255: | General |
|--|-----------------------------------|---------|
| d) <u>part(s) Heading(s) and Code Citation(s):</u> | | |
| | Conformity (35 Ill. Adm. Code 255 | |

11) Rulemaking:

- 5) Description: The proposed Agency rules will add a new part, 35.11, to the Code. Code 355, to address the requirements of Section 176 of the Clean Air Act; that Illinois adopt the criteria and procedures for federal agencies to use in determining whether federal projects in Illinois' nonattainment and maintenance areas conform to the applicable state implementation plan. These rules will apply to the following nonattainment and maintenance areas: for ozone - Chicago, Met. St.-East, and Jersey County areas; for sulfur dioxide, Granite City, Lake Calumet, and for PM-10 - Granite City, Lake Calumet, Ogleby and McCook areas. The regulations will contain definitions, notice and consultation procedures, criteria, as well as procedures for mitigation of air quality impacts.

- B) Statutory Authority: Section 4 of the Illinois Environmental Protection Act (415 ILCS 5/4 (1992)).

- C) Scheduled meeting/hearing dates: The Illinois Environmental Protection Agency will be meeting with interested parties in the Summer or Early Fall of 1996.

- D) Date Agency anticipates First Notice: A Fall 1996 submittal is expected.

- 3) Affect on small business, small municipalities or not for profit corporation: As this regulation applies to federal actions, it is not expected to impact privately-owned small businesses.

- f) Agency contact person for information: Address questions concerning this regulatory agenda and written comments concerning the substance of the rulemaking as follows:

Name: Rachel J. Doctors
Address: Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 13776
Springfield, Illinois 62794-9776
Telephone: 217/521-1333

- G) Other pertinent information concerning these amendments. This is an Agency regulation rather than a Pollution Control Board regulation since it concerns procedures rather than emissions standards or control requirements. The Clean Air Act requires that federal agencies ensure that their projects and actions, including funding and permitting projects do not interfere with the State's attainment plan.

- e) Part(s) (Heading(s) and Code Citation(s) of the Part: Procedures to
be followed in the Performance of Inspections of Motor Vehicle
Emissions, 35 Ill Adm. Code 276

1) Rulemaking:

- A) Description: This rule will add procedures for the IN240 transient loaded mode exhaust emissions test. Currently, Part 276 contains procedures for two key elements of the Illinois Enhanced Inspection and Maintenance (I/M) vehicle emissions inspection program. These are procedures for the evaporative system integrity test with second and third cycle emissions tests, and the cold start emissions test. The rule will be given to certain older cars and heavier vehicles under the Enhanced I/M program. These changes will complete the procedural rules necessary to establish the Enhanced I/M program.

- B) Statutory Authority: Section 13B-20 of the vehicle Emissions Inspection Law of 1995 (625 ILCS 5/13B).

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- C) Scheduled meeting/hearing date: No hearings have yet been scheduled in this matter. Illinois EPA anticipates scheduling at least one public hearing in Fall 1996. Interested persons may contact the person listed in item F.
- D) Date agency anticipates First Notice: A Notice of Proposed Amendments may appear in the Register in Summer or Fall 1996.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Illinois EPA anticipates that small businesses, small municipalities, and not-for-profit corporations will be affected by the rules to the same extent as all other vehicles in the affected areas. The Enhanced I/M program as a whole, including the "M240 test, is a qualitative test for determining vehicle emissions. Qualifying this test will result in both benefits (less pollution after repairs are made to "dirty" vehicles and increased fuel economy) and costs (repair bills). Information concerning this regulatory agenda shall be directed to:
- F) Agency contact person for information: Christopher P. Demercukas
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield, IL 62794-9276
- G) Related Rulemakings and other pertinent information: None
- A) Part(s) (Heading(s) and Code Citation(s)):
General Rules (35 Ill. Adm. Code 101)
Regulatory and Informational Hearings and Proceedings (35 Ill. Adm. Code 102)
Enforcement Proceedings (35 Ill. Adm. Code 103)
Variances (35 Ill. Adm. Code 104)
Permits (35 Ill. Adm. Code 105)
Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)
Identification and Protection of Trade Secrets (35 Ill. Adm. Code 120)
- 1) Rulemaking: Docket number R95-1
A) Description: 35 Ill. Adm. Code: Subtitle A (Parts 101 through 120) contains the procedural rules of the Pollution Control Board (Board). The Board is in the process of reviewing its rules to determine whether any of them may need updating, streamlining, or other revision. The Board is close to completing a regulatory proposal. When it does so, the proposed rules and opinion containing the Board's supporting rationale will be docketed as R95-1. This docket will also update references to the Department of Natural Resources, as necessary in various segments of the rules and requested by JCRB.
- B) Statutory Authority: Sections 26 and 28 of the Illinois Environmental Protection Act (415 ICS 5/26 and 5/28).
- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time. Once the Board has developed a regulatory proposal, it will schedule public hearings pursuant to Sections 27 and 28 of the Act.
- D) Date agency anticipates First Notice: The Board may cause publication of a Notice of Proposed Amendments in Winter or Spring, 1996.
- E) Effect on small business, small municipalities or not-for-profit corporations: There may be an effect on any which appear before the Board in any type of proceeding. These include rulemakings, enforcement actions, variances, adjusted standards and site-specific rule requests; permit appeals; review of local governments' decisions concerning siting of pollution control facilities; and any other actions provided for in the Environmental Protection Act.
- F) Agency contact person for information:

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Address written comments concerning the substance of the rulemaking, noting docket number 895-1, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-8911

Address questions concerning this regulatory agenda, noting docket number 895-1, as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-8929
Internet: kcrowley@pc016r1.state.il.us

or

Musette H. Vogel, Attorney
Pollution Control Board
600 South Second Street, Suite 402
Springfield, IL 62701
(217) 524-8509
Internet: mvogel@pc016r1.state.il.us

- G) Related rulemakings and other pertinent information: Another prospective rulemaking (see item (b) below) could affect Part 101, and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 101 through 106 and 120.

If review of existing procedural rules warrants it, the Board may open additional parts within 35 Ill. Adm. Code: Subtitle A.

b) Part(s) (Heading(s) and Code Citation(s)):

General Rules (35 Ill. Adm. Code 101)
Proportionate Share Liability (35 Ill. Adm. Code 110)

- 1) Rulemaking: No docket presently reserved.

- A) Description: Among other things, P.A. 89-443 created a new Section 58.9 of the Environmental Protection Act. This section establishes that liability for costs of remedial action due to

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release of "regulated substances" (i.e., pollutants) is limited to a person's "proportionate share" of liability where 2 or more persons caused or contributed to a release. Section 58.9(d) requires the Board to adopt "rules and procedures" for determining proportionate share on or before December 31, 1997. The Board is currently in the process of drafting a proposal.

- B) Statutory Authority: Sections 27, 28 and 58.9 of the Illinois Environmental Protection Act (415 ILCS 5/27, 28 and 58.9)

- C) Scheduled meeting/hearing date(s): None are presently scheduled, but the Board will conduct hearings as required by Sections 27 and 28 of the Act after the proposal is completed.

- D) Date agency anticipates First Notice: The Board may cause publication of a Notice of Proposed Rules in Fall of Winter, 1996/1997.

- E) Affect on small business, small municipalities or not for profit organizations: There may be an effect on any small businesses who cause or contribute to releases requiring remedial action.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-8911

Address questions concerning this regulatory agenda as follows:

Amy Hoogasian, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-8917
Internet: ahoogasi@pc016r1.state.il.us

- G) Related Rulemakings and other pertinent information: Another prospective rulemaking, 895-1 (see item (a) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 101.

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Environmental Protection Agency (Agency) for proposal to the Pollution Control Board (Board) addressing: General "clean-up" of Part 201, to address changes in technology accompanying the Clean Air Act Permit Program (CAAP) in 415 ICS 5/39.5) and other recent developments since Part 201 was last reviewed.

B) Statutory Authority Sections 10 and 27 of the Environmental Protection Act (415 ICS 5/10 and 27).

C) Scheduled meeting/hearing dates No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established in Sections 27 and 29 of the Act.

D) Date Agency anticipates First Notice The Board may cause a Notice of Proposed Amendments to appear in the Illinois Register in Fall 1996.

E) Affect on small business, small municipalities or not-for-profit corporations None anticipated.

F) Agency internet section for information

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
(312) 844-9231

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 844-9232
Internet address: kcrowley@polb01.state.il.us

G) Other pertinent information concerning these amendments: Other prospective rulemakings see items (c) above and (e) below and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201.

The contact person at the Illinois Environmental Protection Agency

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Is:

Rachel L. Doctors
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 12276
Springfield, IL 62794-9276
(217) 524-3333

Part(s) Headline(s) and Code Citation(s)

Permits and General Provisions (35 Ill. Adm. Code 300)
Emissions from Municipal Solid Waste Landfills (35 Ill. Adm. Code 200)

1) Rulemaking No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) must address the recently adopted federal guidelines for existing Municipal Solid Waste Landfills ("MSWLFs"). Under Section 111 of the Clean Air Act, States must submit a plan to the Administrator of EPA to implement and enforce these guidelines within 9 months after the guidelines are promulgated. The regulations will provide for the control of non-hazardous organic compounds (NHOs), of which volatile organic material (VOM) is a large component, by requiring the collection and control of landfill gas by MSWLFs that accepted waste after 1987.

B) Statutory Authority Sections 27 and 29.1 of the Environmental Protection Act (415 ICS 5/27 and 29.1).

C) Scheduled meeting/hearing dates No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established in Sections 27 and 29 of the Act.

D) Date Agency anticipates First Notice A Notice of Proposed Rules will appear in the Illinois Register. Submittal of a proposal to the Board will commence this proceeding and is expected to be filed in late Fall 1996.

E) Affect on small business, small municipalities or not-for-profit corporations This rule will only affect existing municipal solid waste landfills.

F) Agency contact person for information

Address written comments concerning the substance of the

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rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen W. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-6931
Internet: kcrowley@pcbl611.state.il.us

- G) Other pertinent information concerning these amendments: Other prospective rulemakings (see items (c) and (d) above), including pending docket 956-17 (see item (c) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 201.

The Illinois Environmental Protection Agency will schedule meetings with affected sources before a proposal is filed. If you have any questions concerning the federal guidelines, please contact:

Rachel L. Doctors
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 13276
Springfield, IL 62794-3276
(217) 524-3333

F) Part(s) Heading(s) and Code Creation(s):

Emissions Reduction Market System (35 Ill. Adm. Code 205)

- 1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing rules for proposal to the Pollution Control Board (Board) pursuant to Sections 27 and 28 of the Environmental Protection Act. This rulemaking will add Part 205 to establish regulations to implement a market-based emissions reduction system in the Chicago ozone nonattainment area. This

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rulemaking is required by Section 192(b)(1) of the Clean Air Act.

- B) Statutory Authority: Sections 9.9, 27 and 28 of the Environmental Protection Act (415 ILCS 5/9.9, 27 and 28).

- C) Scheduled meeting/hearing date: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold meetings in accordance with the schedule and requirements established in Sections 27 and 28 of the Act.

- D) Date Agency Anticipates First Notice: A Notice of Proposed Rules will appear in the Illinois Register after this proceeding is accepted. Substantial comments to the Board will commence this proceeding and is expected in late Summer of 1996.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rule is likely to affect major sources of emissions, which are primarily large industrial facilities.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen W. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-6931
Internet: kcrowley@pcbl611.state.il.us

- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 205.

The Illinois Environmental Protection Agency plans to distribute a draft of this rule to interested persons prior to submit to the Board and is accepting comments on the draft rule. If you would like a copy of the draft rule or have any questions concerning the draft rule, please contact:

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Bonnie Sawyer
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-3276
(217) 524-3333

g) Part(s) Headings, and Code Citation(s)

Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: No docket presently reserved.

A) Decisions: (1) This rulemaking may include definitions as necessary to supplement any rule for architectural and industrial paint and coatings if these measures are not done nationally by the United States Environmental Protection Agency (USEPA), as these measures are not required by Illinois law. (2) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial wastewater treatment facilities that was initially to be addressed by a new USEPA Control Technique Guideline (CTG). This control measure is part of Illinois' 154 Plan. (3) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for VOC emissions from industrial clean-up solvents that were initially to be addressed by a new USEPA Control Technique Guideline (CTG). This control measure is part of Illinois' 154 Plan. (4) This rulemaking may include definitions as necessary to supplement any rules proposed to address control measures for major wood furniture coating sources that have been addressed by a new U.S. EPA Control Technique Guideline (CTG). This control measure is part of Illinois' 154 Plan. (5) This rulemaking may include definitions as necessary to supplement any revisions to 35 Ill. Adm. Code 215: Organic Material and Emission Standards and Limitations, to make this Part consistent with the substantive revisions to 35 Ill. Adm. Code 215 and 219.

The 154 Plan rulemakings are required pursuant to Section 19(b)(1) of the Clean Air Act, as amended in 1990.

B) Statutory Authority: Sections 27 and 28.5 of the Environmental Protection Act ("Act"), [415 ILCS 5.27 and 28.5].

C) Scheduled meeting/hearing dates: No hearings on amendments necessary to address revisions to Part 211 have been scheduled at this time. Once the proposal is filed, the Board will hold

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hearings on the schedule established in Section 28.5 for rules promulgated pursuant to the six-track provisions of Section 28.5 of the Act. Hearings on non-Section 28.5 rulemakings will proceed according to a schedule of hearings published in the Illinois Register after a rulemaking proposal is submitted to the Board.

D) Date agency anticipates first notice: A late Summer or early Fall 1996 submittal to the Board is expected on amendments necessary to address revisions to Part 211, after which the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will address definitions, and they are not expected in themselves to have a substantive impact on sources affected by Illinois' air pollution regulations.

F) Agency contact person for information

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
(312) 814-6331

Address questions concerning this regulatory agenda as follows:

Kathleen W. Crowley, Senior Attorney
Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
(312) 814-6323
Internet: crowley@pcob16r1.state.il.us

G) Other pertinent information concerning these amendments: Other protective rulemakings (see items in through (F)) are being promulgated by the Board. These rulemakings are scheduled for publication in the Illinois Register in the near future. These rulemakings will address revisions to Part 211, and other sections of the Act. These rulemakings could potentially impact the general provisions of Part 211.

With respect to amendments necessary to address revisions to Part 211, the Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

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Christina Archer
Illinois Environmental Protection Agency
2000 South Mill Road
P.O. Box 1976
Springfield, IL 62794-2776
(217) 524-3333

h) Part(s) (Heading(s) and Code Citation(s))Definitions and General Provisions (35 Ill. Adm. Code 211)1) Rulemaking Presently reserved docket number R96-16

A) Description Section 3.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) [1992]) mandates that the Board update the Illinois definition of "volatile organic material (VOM)" presently codified as 35 Ill. Adm. Code 211.1150, to reflect the USEPA additions to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan for ozone in the Federal Recommended Policy on the control of Volatile Organic Compounds Revisions (February 3, 1992, and February 3, 1995). The USEPA Codified its definition of VOM as 40 CFR 51.101(b), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number R96-16 to accommodate the amendments to the 40 CFR 51.1001(s) definition of VOM that USEPA made on February 7, 1996, when it added perchloroethylene to the list of exempted compounds having negligible photochemical reactivity. The Board would normally included this action in reserved docket R97-1, but a letter from an interested member of the regulated community caused us to open docket R96-16 without delay. Section 3.1(e) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R96-16, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on February 7, 1996, giving the Board until February 7, 1997 to complete our rulemaking proceedings. The Board will propose corresponding amendments to the Illinois regulations under this docket during Summer, 1996.

B) Statutory Authority Sections 9.1(e) and 27 of the Environmental Protection Act (415 ILCS 5/9.1(e) & 27).

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C) Scheduled meeting/hearing dates: None scheduled at this time. The Board will vote to propose any amendments at an open meeting. The Board will then schedule and conduct at least one public hearing pursuant to Sections 27 and 28 of the Act, as required by Section 118 of the Federal Clean Air Act for amendment of the Illinois ozone State Implementation Plan.

D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time but anticipates proposing amendments during Summer, 1996. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the list of exempted compounds.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R96-16, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6931

Address questions concerning this regulatory agenda, noting docket number R96-16, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6924.
Internet: mcamc@pollucb.state.il.us

G) Related Rulemaking(s) and other pertinent information: Other related rulemaking(s) are being considered (although (K) below), including the chemical-in-substance definition of VOM being update docket R97-1 (see item (I) below), and other, as yet unknown, unrelated Board proceedings could potentially impact the

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general provisions of Parts 211.

Section 9.1(e) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCMA. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

1) Part 111 (Headings, and Code Citations, etc.)

Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Presently reserved docket number 897-1

A) DESCRIPTION: Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (1992)) mandates that the Board update the Illinois definition of volatile organic material (VOM), presently codified as 35 Ill. Adm. Code 211.150, to reflect the USEPA additions to the list of exemptions of compounds from regulation as ozone precursors. Those compounds are determined by USEPA to be exempt from regulation under the state implementation plan for ozone in the federal "Recommended Policy" on the Control of Volatile Organic Compounds" (Recommended Policy) due to their negligible photochemical reactivity. On February 3, 1992, at 57 Fed. Reg. 3345, USEPA codified its definition of VOM as 40 CFR 51.100(s), which now embodies the former Recommended Policy. This codified definition now includes all the compounds and classes of compounds previously exempted in the former Recommended Policy.

The Board has reserved docket number 897-1 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may make in the period January 1 through June 30, 1996. Section 9.1(e) mandates that the Board complete our amendments within the year of the date on which USEPA adopts its action upon which our amendments are based. The Board is presently aware of one action during the nominal time-frame of this docket: the February 7, 1996 amendment of the 40 CFR 51.100(s) definition of VOM to add perchloroethylene to the list of compounds exempted by virtue of having negligible photochemical reactivity. The Board would have normally included this action in this reserved docket, but a letter from an interested member of the regulated community caused us to open docket 896-16 without delay (see item (h) immediately above). If USEPA undertakes any other actions during the nominal time-frame of this docket, the Board will propose corresponding

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amendments to the Illinois regulations under this docket during Summer or Fall, 1996.

B) Statutory Authority: Sections 9.1(e) and 27 of the Environmental Protection Act (415 ILCS 5/9.1(e) & 27).

C) Scheduled meeting/hearing date: None scheduled at this time. The Board will not propose any amendments at this time. The Board will hold a public hearing and conduct at least one public hearing pursuant to Sections 27 and 28 of the Act, as required by Section 118 of the Federal Clean Air Act for amendment of the Illinois State Implementation Plan.

D) Date Agency anticipates Final Notice: The Board cannot project an exact date for publication at this time but anticipates proposing amendments during Summer or Fall, 1996. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the list of exempted compounds.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number 897-1, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda, noting docket number 897-1, as follows:

Michael J. McCanbridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: smccanbridge@0161.state.il.us

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G) Related rulemakings and other pertinent information: Other prospective rulemakings (see items (g) and (h) above and (j) and (k) below), including the reserved identical-in-substance definition of VOC update docket R6-16 (see item (h) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Parts 211.

Section 31(e) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/3-35 and 2-40) shall not apply, because this rulemaking is not subject to Section 5 of the APA. That is not subject to first notice or a notice of proposed amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

j) Part(s) (Heading(s) and Code Citation(s)):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

1) Rulemaking: No docket presently reserved.

A) Description: Rules are being developed by the Illinois Environmental Protection Agency (Agency) and will be proposed to the Pollution Control Board (Board), pursuant to the rulemaking procedures of Section 28.1 of the Environmental Protection Act. The proposed rule is to incorporate the RACT provisions now included in the Federal Implementation Plan or FIP for Riverside Laboratories, Inc. at its plant located in Geneva, Kane County, Illinois, into the Act. The rulemaking is required by 35 Ill. Adm. Code 218-13(a)(2). The amendment to the FIP was published at 60 Fed. Reg. 43368 (August 21, 1995).

B) Statutory Authority: Section 28.1 of the Illinois Environmental Protection Act (415 ILCS 5/28.1).

C) Scheduled Meeting/Hearing Date: No hearings have yet been scheduled in this matter but will be scheduled and conducted by the Board pursuant to Sections 47 and 28 of the Act upon filing of a site specific rulemaking proposal.

D) Date Agency anticipates First Notice: A late summer or fall submittal to the Board is expected, after which the Board would cause a notice of proposed amendments to appear in the Illinois Register.

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E) Affect on small business, small municipalities or not-for-profit corporations: This is a site specific RACT rulemaking for a single source, Riverside's paper coating lines applying polyester coatings at its plant located in Geneva, Kane County, Illinois, which is currently subject to the Federal requirements of the FIP site-specific rulemaking, effective September 20, 1995. There will be no effect on any other source, including small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: kcrowley@pubnet.state.il.us

G) Other pertinent information concerning these amendments: Other prospective rulemakings (see items (g) through (j) above and (k) below), including the reserved identical-in-substance definition of VOC update dockets R6-16 and R9-7 (see items (h) and (i) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 211. Other prospective rulemakings (see item (h) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 218.

k) Part(s) (Heading(s) and Code Citation(s)):

Definitions and General Provisions (35 Ill. Adm. Code 211)
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

1) Rulemaking: No docket presently reserved.

A) Description: Rules are being developed by the Illinois

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- Environmental Protection Agency (Agency) and will be proposed to the Pollution Control Board (Board), pursuant to the rulemaking procedure of Section 18.1 of the Environmental Protection Act. The proposed rule is to incorporate the RACT provisions now included in the Federal Implementation Plan or RFP for Viskase Corporation's viscose process used in manufacturing cellulose casing at its plant located in Bedford Park, Cook County, Illinois ("Viskase"), as required by 35 Ill. Adm. Code 218.103(a)(2). This amendment to the RFP was published at 60 Fed. Reg. 41386 (August 21, 1995).
- B) Statutory Authority: Section 18.1 of the Illinois Environmental Protection Act (415 ILCS 5/28.1).
- C) Scheduled hearing/hearing dates: No hearings have yet been scheduled in this matter but will be scheduled and conducted by the Board pursuant to Sections 27 and 28 of the Act upon filing of a site specific rulemaking proposal.
- D) Date agency anticipates First Notice: A late winter submittal to the Board is expected, after which the Board would cause a notice of proposed amendments to appear in the Illinois Register.

- E) Affect on small business, small municipalities or non-for-profit corporations: This is a site specific RACT rulemaking for a single source, Viskase's viscose process used in manufacturing cellulose casing at its plant located in Bedford Park, Cook County, Illinois, which is currently subject to the federal requirements of the RFP site-specific rulemaking, which went into effect September 10, 1995. There will be no effect on any other source, including small businesses, small municipalities, and non-for-profit corporations.

F) Agency contact person for information:

Dorothy Gump, Clerk
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601
(312) 814-6301
(312) 814-6331

Address inquiries concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500

POLLUTION CONTROL BOARD

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Chicago, IL 60601
(312) 814-6939
Internet: Kcrowley@pcbo016f1.state.il.us

- G) Other pertinent information concerning these amendments: Other prospective rulemakings (see items (g) through (j) above), including the reserved identical-in-substance definition of VOM, update Dockers R36-16 and R37-1 (see items (h) and (i) above), and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 211. Other prospective rulemakings (see item (n) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 218.

1) Part(s) heading(s) and Code citation(s)

Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)

- 1) Rulemaking: No docket presently reserved.

- A) Descriptions: Rules are currently being developed by the Illinois Environmental Protection Agency for proposed to the Pollution Control Board (Board). This rulemaking will amend existing air pollution control rules for volatile organic material (VOM) to clean up the existing language to make these regulations consistent with the language in 35 Ill. Adm. Code Parts 218 and 219. In some cases, these revisions will be substantive. The rulemaking is also intended to make this Part consistent with revisions to 35 Ill. Adm. Code Part 211 (Definitions) and to be consistent with nonsubstantive aspects of recent revisions to 35 Ill. Adm. Code Parts 218 and 219, pursuant to Illinois' 154 Rate of Progress Plan ("154 Plan") rulemakings. These revisions will be both substantive and nonsubstantive, but are not expected to be controversial.

- B) Statutory Authority: Sections 10 and 27 of the Illinois Environmental Protection Act (415 ILCS 5/10 and 27).

- C) Scheduled hearing/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will schedule hearings pursuant to Sections 27 and 28 of the Act.

- D) Date agency anticipates First Notice: A late summer or early fall, 1996 submittal to the Board is expected.

- E) Affect on small business, small municipalities or not-for-profit

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CORPORATIONS: This rule should have no negative impact on sources subject to the rules in Part 215, because all revisions are intended to make the rules clearer, and consistent, and to make substantive revisions, which are intended to make the rules not inconsistent with the language in Parts 215 and 219. There may be some confusion about the language in Parts 215 and 219, but these regulations were stringent, and therefore, should not be controversial.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: krcowley@pc0016rl.state.il.us

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: krcowley@pc0016rl.state.il.us

G) Other pertinent information concerning these amendments: No other known processing would impact the general provisions of Part 215.

The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Laurel L. Krocak
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

m) Part(s) (Heading(s) and Code Citation(s)):

Carbon Monoxide Emissions (35 Ill. Adm. Code 216)

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1) Rulemaking: Docket number R95-15

A) Description: The rule proposed by the Marathon Oil Company in DOCS R95-15 proposes new testing methods and standards for carbon monoxide emissions standard for the petroleum refinery located in Robinson, Illinois.

B) Statutory Authority: These rules will be proposed pursuant to Section 29 of the Illinois Environmental Protection Act, 415 ILCS 5/28.

C) Scheduled meeting/hearing dates: None have been scheduled at this time at the request of the petitioner. The public may contact Hearing Officer, Charles M. Feinen, at the address below, to be added to the R95-15 Notice List, which will insure notice of scheduling of any hearings in this matter. Once the petitioner is ready to proceed, the Board will schedule at least one public hearing pursuant to Sections 27 and 28 of the Act.

D) Date agency anticipates First Notice: The Pollution Control Board anticipates submitting a First Notice after public hearing. The hearing has been delayed at the petitioner's request.

E) Affect on small business, small municipalities or not-for-profit corporations: No small businesses, not-for-profit corporations and small municipalities will be affected by the rule since it is a site-specific one which only applies to the Marathon facility.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R95-15, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda, noting docket number R95-15, as follows:

Charles M. Feinen, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6933
Internet: cfeinen@pc0016rl.state.il.us

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- G) Related Rulemakings and other pertinent information: No other known proceeding would impact the general provisions of Part 216.

n) Part(s) (Heading(s) and Code Division(s)):

Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill. Adm. Code 218)

- 1) Rulemaking: No docket presently reserved.

A) Description: Rules are currently being developed by the Illinois Environmental Protection Agency (Agency) for proposal to the Pollution Control Board (Board) pursuant to the fast-track rulemaking procedure of Section 28.5 of the Environmental Protection Act, which may be proposed as more than one rulemaking as necessary to address any US EPA conditional approval items on rules promulgated pursuant to Illinois' 15% Rate of Progress Plan ("15% Plan"), or otherwise required under the Clean Air Act, as amended in 1990 ("CAA"). The 15% Plan rulemakings are required pursuant to Section 181(b)(1) of the CAA. (1) There may be one or more rulemakings to amend existing air pollution control rules for lithographic printing operations to clean up the existing language. These rulemakings are intended to make this Part consistent with revisions to 35 Ill. Adm. Code 011 (Definitions) and to be consistent with recent revisions to these rules pursuant to the 15% Plan rulemakings. (2) One of these rulemakings may also include a rule for major wood furniture coating sources, for which a final federal control techniques guideline ("CTG") was published in late spring 1996. Under Section 182(b)(2)(A) of the Clean Air Act, States must submit a State Implementation Plan ("SIP") revision to the US EPA for approval of a "major" source of hazardous air pollutants ("HAPs") for which a CTG has been issued. The US EPA has indicated that the US EPA will require the State to submit a SIP revision to the US EPA for approval of a "major" source of HAPs for which a CTG has been issued. (3) One of these rulemakings may include regulations to address emissions of VOCs from companies that specialize in solvent collection and recycling. (4) There may also be one or more rulemakings to amend existing air pollution control rules for capture efficiency testing. These rulemakings are intended to make this Part consistent with US EPA's final rule on the revised capture efficiency test methods which is expected to be published in late Summer, 1996. (5) There may be one or more rulemakings to correct minor or nonsubstantive errors in previous 15% rulemakings.

- B) Statutory Authority: Sections 10, 27, 28.2 and 28.5 of the Environmental Protection Act [15 ILCS 5/10, 27, 28.2 and 28.5].

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- C) Scheduled meeting/hearing dates: No hearings are scheduled at this time for proposals not yet submitted. Once a proposal is filed, the Board will hold hearings on the schedule established in Section 28.5 for those rulemakings required under the CAA.

- D) Date Agency anticipates first Notice: A late summer or fall 1996 submission to the Board for one or more of the proposals is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

- E) Affect on small business, small municipalities or not-for-profit organizations: If wood furniture coating rules are proposed, they would potentially affect any major source that applies coatings to wood furniture.

If rules regulating VOC emissions from companies specializing in solvent collection and recycling are included in one of these proposals, it would only affect relatively large entities that specialize in solvent collection and recycling.

All other proposals should have no new substantive impact on sources, since they will be merely clean-up proposals.

- F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda as follows:

Kathleen W. Crowley, Senior Attorney
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: kcrowley@pc0161.state.il.us

- G) Other pertinent information concerning these amendments: Other prospective rulemakings (see items (j) and (k) above) and other, as yet unknown, unrelated Board proceedings could potentially impact the general provisions of Part 216.

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Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda as follows:

Rathleen M. Crowley, Senior Attorney
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: krcw@epc01efr.state.il.us

- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 219.

There have been a number of amendments to Parts 219 during the past two years. This rulemaking may also clean up some limited portions of the recently completed rules.

Since a final Control Techniques Guideline has been published in late Spring 1996, regarding wood furniture coatings, the Agency will need to proceed with regulations addressing the VOC content of these coatings. The Agency is currently reviewing the existing reporting regulations, including practices, record keeping and testing methods. The Agency is also reviewing the existing rules addressing companies that specialize in solvent collection and recycling will not occur until the Agency has met with potentially affected sources to discuss any proposed rules. The Illinois Environmental Protection Agency will meet with interested persons prior to submitting a proposal to the Board. To participate in these meetings, interested persons should contact:

Christina Altner
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62734-9276
(217) 524-3333

Similar revisions will be proposed to 35 Ill. Adm. Code 219, Organic Material Emission Standards and Limitations for the Chicago Area.

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p) Part(s) Headline(s) and Code Citation(s):

Toxic Air Contaminants (35 Ill. Adm. Code 232)

- 1) Rulemaking: Docket number R96-4

A) Description: The rules proposed to the Pollution Control Board (Board) by the Illinois Environmental Protection Agency (Agency) in Docket R96-4 seek to amend the Illinois toxic air contaminants rule (35 Ill. Adm. Code 232). Appendix A of the rule contains a list of 35 "air contaminants" that are subject to the rule. The rule is currently under review by the Agency. The Agency is currently reviewing the rule under Section 112(b) of the Clean Air Act as amended in 1990 (42 U.S.C. 7401 et seq.) and those chemicals or substances targeted by the Great Lakes Commission or under the United States Environmental Protection Agency's "Great Waters" program under Section 142(m) of the Clean Air Act, as amended in 1990 (42 U.S.C. 7401 et seq.). The proposal would also require all sources that meet certain requirements to submit an ITAC source report for calendar year 1996, and it would correct typographical errors in the existing Illinois toxic air contaminants ITAC list. The Board accepted the proposal by an order dated November 2, 1995, but has not made a judgment on the merits of this proposal.

- B) Statutory Authority: Section 9.5, 27, and 28 of the Illinois Environmental Protection Act (415 ILCS 5/9.5, 27 & 28).

C) Scheduled hearing/hearings dates: The Board conducted public hearings in this proceeding on February 3 and April 9, 1996. No additional hearings have been scheduled at this time. The public may contact Hearing Officer, Charles M. Feinen, at the address below, to be added to the R96-4 Notice List, which will insure notice of scheduling of any hearings in this matter.

- D) Date Agency anticipates First Notice: The Pollution Control Board anticipates submitting a First First Notice in Summer or Fall, 1996.

E) Affect on small business, small municipalities or not for profit corporations: This rule may impact small businesses, small municipalities and not for profit corporations if they meet certain thresholds for reporting, which are very similar to the Federal emissions reporting requirements under the "Emergency Planning and Community Right-to-Know Act" (Title III of the Superfund Amendments and Reauthorization Act of 1986).

- F) Agency contact person for information:

Address written comments concerning the substance of the

POLLUTION CONTROL BOARD

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rulemaking, noting docket number 896-4, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda, noting docket number 896-4, as follows:

Charles M. Feinen, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931
Internet: cfeinen@pc0161.state.il.us.

G) Related Rulemakings and Other Pertinent Information: No other known proceeding would impact the general provisions of Part 131.

The Contact person at the Agency concerning this proposal is:

Laurel L. Kizack
Illinois Environmental Protection Agency
2200 Churchill Rd.
P.O. Box 19476
Springfield, IL 62794-0276
(217) 524-3333

g) Part(s) (Heading(s) and Code Citation(s)):

Mobile Sources (35 Ill. Adm. Code 210)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is currently developing amendments to the vehicle inspection and maintenance regulations for proposal to the Pollution Control Board (Board) pursuant to Section 13B-10 of the Environmental Protection Act, 5/13B-10, (VEIL) (23 ILCS 5/13B-10) and the Section 28.5 "fast-pass" provision of This Environmental Protection Act, 5/28.5 (23 ILCS 5/28.5). The rulemaking would substitute the current evaporative system integrity ("pressure") test of Section 310.171 with a quicker, non-intrusive "fuel cap only" test, and it would add "fast-pass" standards for the current IM240 transient loaded mode exhaust

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emissions test. These amendments would enable each test to be performed in much less time on most vehicles, and the evaporative system integrity test amendments would also greatly reduce the possibility of vehicle damage. The amendments would result in lowered cost to the State and greater motorist convenience.

B) Statutory Authority: Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 (VEIL) (23 ILCS 5/13B-20) and Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5).

C) Scheduled Meeting/Meeting Dates: No meetings or hearings are scheduled at this time. Once the proposal is filed, the Board will hold hearings in accordance with the schedule and requirements established in Section 28.5 of the Act. The Board presently anticipates receiving the proposal and scheduling at least one public hearing in Fall, 1996. Interested persons may contact the hearing officer listed in Item G below to be added to the notice list for this proceeding, which will ensure notice of any hearings and of any Board action in this matter.

D) Date Agency Anticipates First Notice: A Notice of Proposed Rules will appear in the Illinois Register after this proceeding commences. Submittal of the proposal to the Board will commence this proceeding and is expected in Summer, 1996.

E) Affect on small business, small municipalities or not-for-profit corporations: The Board presently anticipates that this proceeding may affect small businesses, small municipalities, and non-for-profit corporations to the extent they own or operate motor vehicles that would be subject to the amended regulations. The Board presently anticipates that the effect would be positive, since the amendments would use less time-consuming and less intrusive procedures than those presently required.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda as follows:

Michael J. McCambridge, Attorney

POLLUTION CONTROL BOARD

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Pollution Control Board
100 W. Randolph, Suite 11-500
Chicago, IL 60601
Internet: mmeccm@pcb016f1.state.il.us

- G) Other pertinent information concerning these amendments: No other known proceeding would impact the general provisions of Part 240.

For further information from the Agency, contact:

Christopher Demeroutas, Attorney
Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3333

F) Part(s) (Reading(s) and Code Citation(s)):

Water Quality Standards (35 Ill. Adm. Code 302)
Effluent Standards (35 Ill. Adm. Code 304)

1) Rulemaking Docket number 894-1(B)

- A) Description: On February 24, 1994, the Illinois Environmental Protection Agency (Agency) filed a regulatory proposal with the Board. The proposal is part of the Agency's mandatory review of the applicable water quality standards of the State of Illinois pursuant to 33 U.S.C. Sec. 1251-1387 (1987). The proposal revises the Board's General Use Water Quality Standards for lead, mercury and ammonia nitrogen and modifies the ammonia effluent exception procedures.

The Board opened docket number 894-1 to accommodate the proposal. The proposal was published for first notice in the Illinois Register on September 30, 1994 at 18 Ill. Reg. 1455 and 14519. Public hearings were held in November of 1994 and January of 1995. On January 4, 1996 the Board moved the docket into subdoCKET A (lead & mercury) and subdoCKET B (ammonia nitrogen). The amendments in subdoCKET A as adopted by the Board were published at 20 Ill. Reg. 1445. The Board intends to pursue the adoption of the amendments to the ammonia nitrogen standards in subdoCKET B.

- B) Statutory Authority: Sections 13, 27 and 28.2 of the Environmental Protection Act (415 ILCS 5/13, 27 and 28.2).

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- C) Scheduled meetings/hearing dates: Public hearings were held on November 10 and 22, 1994 and January 26, 1995 on the parent docket. No additional hearings have been scheduled at this time. Once a proposal is filed, the Board may hold additional hearings pursuant to Sections 27 and 28 of the Act. The public may contact the Agency, Diane O'Neill, at the address below, to be added to the agenda, which will insure notice of scheduling of any hearings in this matter.

- D) Date agency anticipates first notice: The Board cannot project an exact date for publication at this time but anticipates proposing amendments during Summer or Fall, 1996. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect small municipalities with wastewater treatment facilities. Some modification to existing operations and facilities may be required to meet the proposed standards.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number 894-1(B), as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6331

Address questions concerning this regulatory agenda, noting docket number 894-1(B), as follows:

Diane O'Neill, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6062
Internet: donell@pcb016f1.state.il.us

- G) Related Rulemaking(s) and other pertinent information: No other known proceeding would impact the general provisions of Parts 302 and 304.

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a) Part(s) (Heading(s) and Code Citation(s)):

Sewer Discharge Criteria (35 Ill. Adm. Code 307)
 Pretreatment Programs (35 Ill. Adm. Code 310)

1) Rulemaking: Presently reserved docket number 897-7

- A) Description: Section 13.3 of the Environmental Protection Act (Act) [45 ILCS 5/13.3 (1991)] mandates that the Board update the Illinois wastewater pretreatment regulations to reflect the USEPA wastewater pretreatment rules.

The Board has reserved docket number 897-7 to accommodate any amendments to the 40 CFR 300 through 399 that USEPA may make in the period January 1 through June 30, 1996 relating to wastewater pretreatment. The Board is presently aware that on April 9 and 30, 1996, at 61 Fed. Reg. 15565, 15660, and 15117, USEPA adopted and corrected segments of its RCRA Subtitle C Phase III and disposal restrictions (DRA) (see item (7) below). Included with those Phase III DRA, USEPA included amendments to its wastewater pretreatment regulations. USEPA further published a correction to Fed. Reg. 15565 amendments to 40 CFR 41 on May 14, 1996, at 61 Fed. Reg. 21421. The Board will examine the federal amendments and timely propose corresponding amendments to the Illinois wastewater pretreatment regulations under this docket. In the future, if the Board determines that amendments are necessary, it will include the Board's proposed amendments to this docket using the identical substance procedure.

Section 13.3 mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket 897-7, the earliest federal amendments in the applicable period upon which the Board has not yet taken action occurred on April 9, 1996. That means that the date for the 897-7 amendments is presently April 9, 1997. As stated above, the Board will commence this proceeding as promptly as is possible consistent with other deadline matters and as resources allow, with a goal of concluding it prior to its due date.

- B) Statutory Authority: Sections 13, 13.3 and 27 of the Environmental Protection Act [45 ILCS 5/13, 13.3 & 27].

- C) Scheduled meeting/hearing date: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

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- D) Date agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify whether there were any additional federal actions by the USEPA in August, 1996, after which time the Board would begin a rulemaking process. Any amendments reported in the Illinois Register by any federal agency would be reported in the Illinois Register. Section 13.3 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date is presently April 9, 1997. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.
- E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.

F) Agency contact person for information:

Address, written comments concerning the substance of the rulemaking, noting docket number 897-7, as follows:

Dorothy Gunn, Clerk
 Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, IL 60601
 (312) 814-6931

Address questions concerning this regulatory agenda, noting docket number 897-7, as follows:

Diane F. O'Neill, Attorney
 Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, IL 60601
 (312) 814-6862

Internet: donell@pcbo16r1.state.il.us

- G) Related Rulemakings and other pertinent information: No other known proceeding would impact the general provisions of Parts 307 and 310.

Section 13.3 of the Act provides that Title VII of the Act, and Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and

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5-10) shall not apply. Because this rulemaking is not subject to Section 5-10, it is subject to the provisions of Section 5-10. Second, Notice of Proposed Amendments by the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

t) Part(s) Heading(s) and Code Citation(s):

Livestock Management Facilities (35 Ill. Adm. Code 510)

1) Rulemaking: No docket presently reserved.

A) Description: Effective May 21, 1996, the Livestock Management Facilities Act, P.A. 89-456 establishes various requirements on the owners of large hog and livestock feed lots that build, expand, or modify their waste lagoons. These include registration, set-back, management and financial assurance requirements. Section 55 requires the Department of Agriculture to propose implementing rules to the Board on or before November 1, 1997, and the Department of Agriculture has proposed rules. In 1997, the Department of Public Health, the Department of Natural Resources, and the Illinois Environmental Protection Agency are also working in cooperation with the Department of Agriculture in the development of these rules.

B) Statutory Authority: Sections 27, 28 and 55 of the Illinois Environmental Protection Act [415 ILCS 5/27, 28 and 55]

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed by the Department of Agriculture, the Board will schedule hearings pursuant to Sections 27 and 28 of the Act.

D) Date agency anticipates first notice: The Board will publish a Notice of Proposed Rules in Fall/ Winter of 1996/1997, consistent with the deadline established by P.A. 89-456.

E) Affect on small business, small municipalities or not for profit corporations: There may be an effect on small businesses which operate, or are adjacent to, large hog and livestock feed lots.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

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Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 844-6931

Address questions concerning this regulatory agenda as follows:

Musette Vogel, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 524-8509
Internet: mvogel@pccbrt.state.il.us

G) Related Rulemakings and Other pertinent information: No other known proceeding would impact the general provisions of prospective Part 510.

As earlier mentioned, the Department of Agriculture is the lead agency for development of the regulatory proposal, with others also involved:

Department of Agriculture:

Chester Boruff
Deputy Director, Department of Agriculture
State Fairgrounds
P.O. Box 19381
Springfield, IL 62794
(217) 785-4233

Department of Public Health:

Clinton C. Nuggett, Chief of Division of Environmental Health
Department of Public Health
525 West Jefferson, 2d floor
Springfield, IL 62761
(217) 782-5830

Department of Natural Resources:

John C. Marlin
Department of Natural Resources
Department of Waste Center
2201 Griffith Drive
Champaign, IL 61820
(217) 333-8956

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Illinois EPA:

Richard C. Warrington
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 1276
Springfield, IL 62702
(217) 782-3544

u) Part(s) Heading(s) and Code Citation(s):

Introduction (35 Ill. Adm. Code 601)
Permits (35 Ill. Adm. Code 602)
Ownership and Responsible Personnel (35 Ill. Adm. Code 603)
Operation and Record Keeping (35 Ill. Adm. Code 607)
Primary Drinking Water Standards (35 Ill. Adm. Code 611)
Existing Activities in a Setback Zone or Regulated Recharge Area (35 Ill. Adm. Code 613)
New Activities in a Setback Zone or Regulated Recharge Area (35 Ill. Adm. Code 616)
Regulated Recharge Areas (35 Ill. Adm. Code 617)
Groundwater Quality (35 Ill. Adm. Code 620)

1) Rulemaking: Presently reserved docket number 896-18

A) Description: The Illinois Pollution Control Board (Board) has reserved docket number 896-18 at the request of the Illinois EPA (Agency) to accommodate a number of general amendments to the 35 Ill. Adm. Code Subtitle F regulations that the Agency will propose in the near future. The Agency suggested a number of minor, nonsubstantive amendments in the context of the identical-in-substance Safe Drinking Water Act (SDWA) update docket 896-13, and the Board responded to some of the requested amendments that they were more appropriate in the context of a general rulemaking proceeding under Sections 27 and 28 of the Environmental Protection Act (45 ILCS 5/27 & 28). Since then, the Agency has expressed that it intends to file a full rulemaking petition with the Board some time during the Summer, 1996, and that petition may include additional amendments to the regulations. The Board will promptly commence a proceeding to consider amendments to the Illinois drinking water regulations upon this docket after receipt of a complete petition from the Agency.

B) Statutory Authority: Section 27 of the Environmental Protection Act (45 ILCS 5/27).

C) Scheduled meeting/hearing date(s): None scheduled at this time.

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Some time after the Board receives an amended petition from the Agency, it will schedule hearings pursuant to Sections 27 and 28 of the Act.

D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. As stated, the Board presently anticipates that the Agency will file its rulemaking petition some time during the Summer or Fall, 1996, after which time the Board would commence the proceeding. At some point in the process, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication. The proceeding will then be subject to review by the Joint Committee on Administrative Rules before the Board would adopt any amendments.

E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities are a public water supply as defined by Sections 2.02 and 2.03 of the Act. It is anticipated that individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information:

Address Written Comments concerning the substance of the rulemaking, noting docket number 896-18, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address Questions concerning this regulatory agenda, noting docket number 896-18, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mmcamb@pcbo16r1.state.il.us

G) Related Rulemakings and other pertinent information: Reserved

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rulemaking R97-2 (see item (v) immediately below) and other, as yet unknown, unrelated board proceedings could potentially impact the general provisions of Part 611.

v) Partials (Headings) and Code Citation(s):

Primary Drinking Water Standards (35 Ill. Adm. Code 611)

1) Rulemaking: Presently reserved docket number R97-2

A) Description: Section 17.5 of the Environmental Protection Act (405 ILCS 5/17.5 (1994)) mandates that the Board update the Illinois Safe Drinking Water Act (SDWA) regulations to reflect the US EPA amendments to the Federal Safe Drinking Water Act (SDWA) primary drinking water regulations.

The Board has reserved docket number R97-2 to accommodate any amendments to the 40 CFR 141.112 and 141 SDWA primary drinking water regulations that USEPA may make in the period January 1 through June 30, 1996. At this time, the Board is aware only of a microbiological, disinfection, and disinfection by products information collection rule (ICR) adopted by USEPA on May 14, 1996, but the Board is presently unaware whether that ICR will require amendment of the Illinois SDWA regulations. The Board will verify any federal actions in coming weeks. If that verification indicates that no amendments are necessary based on the ICR and that no other amendments have occurred, the Board will dismiss the docket. If, on the other hand, amendments are then indicated, the Board will propose corresponding amendments to the SDWA regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 17, 17.5, and 27 of the Environmental Protection Act (415 ILCS 5/17, 17.5 & 27).

C) Scheduled Hearing Hearing Dates: None scheduled at this time. If the Board were to schedule amendments, the Board will use the 60-day notice and hearing procedure. No public hearing is required in identical-in-substance proceedings.

D) Date Agency Anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by February, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register if any federal amendments have occurred. Section 17.5 of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, if that

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date is assumed to be May 14, 1996, the deadline for final adoption of any amendments could be May 14, 1997. The Board would cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on Small Business, Small Municipalities or Not-for-Profit Corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities are a "public water supply," as defined by Section 3.29 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency Contact Person for Information:

Address written comments concerning the substance of the rulemaking, noting docket number R97-2, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6911

Address questions concerning this regulatory agenda, noting docket number R97-2, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6924
Internet: mcambridge@public.state.il.us

G) Related Rulemakings and other pertinent information: Reserved rulemaking R97-3 (see item (v) immediately above), and other, as yet unknown, unrelated board proceedings could potentially impact the general provisions of Part 611.

Section 17.5 of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by ICMA. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register,

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and it will accept public comments on the proposal for 45 days after the date of publication.

w) Part(s) (Reading(s) and Code Citation(s)):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)

UIC Permit Program (35 Ill. Adm. Code 704)

Procedures for Permit Issuance (35 Ill. Adm. Code 705)

Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)

Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738)

l) Rulemaking: Presently reserved docket number R97-3

- A) Description: Section 13(c) of the Environmental Protection Act (Act) (415 ILCS 5/13(c) (1994)) mandates that the Board update the Illinois underground injection control (UIC) regulations to reflect amendments to the US EPA UIC rules.

The Board has reserved docket number R97-3 to accommodate any amendments to the 40 CFR 146 and 148 that US EPA may make in the period January 1 through June 30, 1996. At this time, the Board is aware that US EPA accepted various amendments on April 8 and 20, 1996 related to its Phase I, II, and Disposal Restrictions. The Board will verify Board rules for any possible amendments. The Board will verify Board rules for any possible amendments under this docket, as necessary, by proposing corresponding amendments to the UIC regulations using the identical-in-substance procedure.

- B) Statutory Authority: Sections 13(c) and 27 of the Environmental Protection Act (415 ILCS 5/13(c) & 27).

- C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open hearing. No public hearing is required in identical-in-substance proceedings.

- D) Date Agency anticipates first Notice: The Board expects to verify any federal actions by the end of August, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register. The earliest federal amendments that occurred in the time-frame of this docket occurred on April 8, 1996. Section 13(c) of the Act provides that the Board must accept amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date would be April 9, 1997. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any

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vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- B) Affect: on small business, small municipalities or not-for-profit corporations; this rulemaking may affect small business, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the underground injection of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R97-3, as follows:

Dorothy Gunn, Clerk

Pollution Control Board

100 West Randolph Street, Suite 11-500

Chicago, IL 60601

(312) 814-6931

Address questions concerning this regulatory agenda, noting docket number R97-3, as follows:

Michael J. Cambridge, Attorney

Pollution Control Board

100 West Randolph Street, Suite 11-500

Chicago, IL 60601

(312) 814-6924

Internet: mjc@cambridge0161.state.il.us

- G) Related Rulemaking and Other Pertinent Information: The reserved identical-in-substance RCRA Subtitle C update rulemaking dockets R96-1 and R97-5 (see items (x) and (y) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702 and 705.

Section 13(c) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register, and it will accept public comments on the proposal for 45 days after the date of publication.

x) Part(s) (Reading(s) and Code Citation(s)):

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RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for Management of Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Land Disposal Restrictions (35 Ill. Adm. Code 728)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

1) Rulemaking Presently reserved docket number R96-10

A) DESCRIPTION Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a)) mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the US EPA amendments that occurred at this time.

The Board has reserved docket number R96-10 to accommodate any amendments to 40 CFR 260 through 272 that USEPA may make in the period July 1 through December 31, 1995. The Board is presently aware of several federal actions during the time-period:

61 Fed. Reg. 35432 (July 7, 1995): Corrections to Subpart CC rules. No Board action will be necessary based on this action.

61 Fed. Reg. 35703 (July 11, 1995): Addition of test for testing biodegradability of absorbent materials.

61 Fed. Reg. 35886 (August 2, 1995): CWA test method added in 40 CFR 136, which is incorporated by reference in 35 Ill. Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

61 Fed. Reg. 41917 (August 14, 1995): Notice of revised interpretation of carbonate rule.

61 Fed. Reg. 41670 (August 28, 1995): CWA test method added in 40 CFR 136, which is incorporated by reference in 35 Ill.

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Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

61 Fed. Reg. 50426 (September 28, 1995): Partial Stay of Subpart CC rules. The Board dealt with these amendments in R95-20, so no further action will be necessary (once R95-20 is adopted).

61 Fed. Reg. 53529 (October 16, 1995): CWA test method added in 40 CFR 136, which is incorporated by reference 35 Ill. Adm. Code 720.111. The Board must determine whether an update to the incorporations by reference is necessary.

61 Fed. Reg. 54311 (October 23, 1995): Correction of hazardous waste delisting for entity with an Illinois facility.

61 Fed. Reg. 55202 (October 30, 1995): Stay of used oil mixtures rule.

61 Fed. Reg. 56952 (November 13, 1995): Delayed effective date for Subpart CC rules.

61 Fed. Reg. 63417 (December 11, 1995): Amendments to permitting procedural requirements.

At this time, no other amendments to the federal RCRA Subtitle C rules occurred during this period. The Board has been forced to delay action in this proceeding until adopting the amendments in the previous update docket, R95-20, which the Board voted to adopt on June 20, 1995. Having now completed that proceeding, the Board hopes to now promptly propose corresponding amendments to the RCRA Subtitle C regulations under docket R96-10 using the identical-in-substance procedure.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date that the US EPA adopted an action upon federal amendments to the time-frame of docket R95-10, the earliest federal amendments in the time-frame of this docket that will require Board action are those of July 11, 1995, which would have required Board action by July 11, 1996. The Board will soon adopt an order setting forth reasons for delay and will cause a Notice of Public Information to appear in the Illinois Register.

B) Statutory Authority: Sections 22.4(a) and 27 of the Environmental Protection Act (415 ILCS 5/22.4(a) & 27).

C) Scheduled meeting/hearing date: None scheduled at this time. If

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the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

- D) Data agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to adopt a proposal for public comment in 1996-10 some time in Summer, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any Federal amendments have occurred. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication. Section 11-1(a) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date appears to be July 11, 1996. The Board anticipates that it will appear in the Public Information on Proposed Amendments section of the Illinois Register in the near future that sets forth the reasons for delay in this proceeding.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number 196-10, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda, noting docket number 196-10, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6924
Internet: mcambridge@pc01611.state.il.us

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- G) Related Rulemakings and other pertinent information: The reserved identical-in-substance RCRA Subtitle C update rulemaking dockets 196-10 and 197-10 (see items (x) and (y) below) and other, as yet unknown, unrelated Board proceedings could potentially impact the provisions of Parts 702 and 705.

The reserved identical-in-substance OIC update rulemaking docket 197-3 (see item (x)) immediately above could potentially impact the provisions of Parts 702 and 705. The reserved identical-in-substance RCRA Subtitle C update rulemaking docket 197-5 (see item (y)) immediately below could potentially impact any of the Parts involved in this docket. Docket 194-34 (see item (aa) below), relating to imposing restrictions on the location of hazardous and non-hazardous waste landfills in floodplains and floodways, could potentially impact Parts 721 and 725.

Section 22.4(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 120.5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 2-2 of the APA, it is not subject to First Notice. Also, Second Notice of Proposed Amendments will not be required. Rather, the Board will accept public comments on the proposal for 45 days after the date of publication.

Y) Part(s) (Heading(s) and Code Citation(s)):

RCRA and UIC Permit Programs (35 Ill. Adm. Code 702)
RCRA Permit Program (35 Ill. Adm. Code 703)
Procedures for Permit Issuance (35 Ill. Adm. Code 705)
Hazardous Waste Management System General (35 Ill. Adm. Code 720)
Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)
Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723)
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
Standards for Universal Waste Management (35 Ill. Adm. Code 733)
Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

I) Rulemaking: Docket number 197-5

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- A) **DESCRIPTION:** Section 22.4(a) of the Environmental Protection Act (Act) 14.5 ILCS 5/22.4(a) [1992] mandates that the Board update the Illinois RCRA Subtitle C regulations to reflect the USEPA amendments that occurred at this time.

The Board has reserved docket number R97-5 to accommodate any amendments to the 40 CFR 260 through 273 that USEPA may take in the period January 1 through June 30, 1995. The Board has determined that several federal actions occurred during the time-period:

61 Fed. Reg. 15565 (April 8, 1996): Corrections to Subpart CC rules. No Board action will be necessary based on this action.

61 Fed. Reg. 15662 (April 8, 1996): Addition of test Method for testing biodegradability of assorted materials.

61 Fed. Reg. 16309 (April 12, 1996): OECD Council determination that resulted in amendments to hazardous waste import and export regulations.

61 Fed. Reg. 19317 (April 30, 1996): Corrections to Subpart CC rules. No Board action will be necessary based on this action.

The Board is unaware of any other amendments to the federal RCRA Subtitle C rules during this period to date. The Board presently intends to propose corresponding amendments to the RCRA Subtitle C regulations using the identical-in-substance procedure at some time in Fall, 1996. The Board must complete the amendments in docket R96-10 (see item (x) above) before commencing amendments in docket R97-5.

Section 22.4(a) mandates that the Board complete our amendments within one year of the date on which USEPA adopted its action upon which our amendments are based. In docket R96-10, the earliest federal amendments in the applicable period occurred on April 8, 1996. That means that the nominal due date for the R97-5 amendments is April 8, 1997.

- B) **Statutory Authority:** Sections 22.4(a) and 27 of the Environmental Protection Act 14.5 ILCS 5/22.4(a) & 27).

- C) **Scheduled hearing/hearing dates:** None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open public hearing. No public hearing is required in identical-in-substance proceedings.

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- D) **Date agency anticipates First Notice:** The Board cannot project an exact date for publication at this time. The Board expects to verify any federal action by mid of August 1996, at which time the Board will begin the process of preparing amendments. At this time, the Board would cause a Notice of proposed amendments to appear in the Illinois Register if any federal amendments have occurred. Section 22.4(a) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

- E) **Affect of small business, small municipalities or not for profit corporations:** This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the generation, transportation, treatment, storage, or disposal of hazardous waste.

- F) **Agency contact person for information:**

Address written comments concerning the substance of the rulemaking, noting docket number R97-5, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6931

Address questions concerning this regulatory agenda, noting docket number R97-5, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6924
Internet: mmccambr@publcr.state.il.us

- G) **Related Rulemakings and other pertinent information:** The reserved docket number R96-10 (see item (x) immediately above) could potentially impact any of the Parts involved in this docket. Docket R94-34 (see item (aa) below), relating to imposing restrictions on the location of

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hazardous and non-hazardous waste landfills in floodplains and floodways, could potentially impact Parts 724 and 725.

Section 22.4(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

2) Part(s) (Heading(s) and Code Citation(s)):

Review of Operators Prior Experience (35 Ill. Adm. Code 706)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is currently in the process of developing rules that would establish procedures for the denial of any RCRA permit or any permit for the conduct of any waste-transportation or waste-disposal operation if the prospective operator or any employee or officer of the prospective operator has a history of conduct which violates 415 ILCS 5/39(i). No regulatory proposal has yet been filed.

B) Statutory Authority: Sections 22.4(b), 27, and 39(i) of the Environmental Protection Act (415 ILCS 5/22.4(b), 27, and 39(i)).

C) Scheduled hearing dates: None scheduled at this time. Once the proposal is filed, the Board will hold hearings pursuant to Sections 27 and 28 of the Act.

D) Date Agency anticipates First Notice: Submitted to the Board by December, 1996, is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the *Illinois Register*.

E) Effect on small business, small municipalities or not-for-profit organizations: The Pollution Control Board anticipates that small businesses, small not-for-profit corporations and small municipalities may be affected by this rule.

F) Agency contact person for information:

Address Written comments concerning the substance of the

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rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6921

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6929
Internet: kcrowley@pcbol61.state.il.us

G) Related Rulemakings and Other pertinent information: No other known proceeding would impact the general provisions of Part 706.

For information regarding the Illinois Environmental Protection Agency's development of this proposal, please contact:

Melanie A. Jarvis
2200 Churchill Road
Division of Legal Counsel
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-3544

aa) Part(s) (Heading(s) and Code Citation(s)):

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725)
Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
Standards for Existing Landfills and Units (35 Ill. Adm. Code 914)
Requirements for New Steel and Foundry Industry Wastes Landfills (35 Ill. Adm. Code 917)

1) Rulemaking: Docket number 89A-14

A) Description: The Pollution Control Board was requested by the Illinois Environmental Protection Agency to conduct an inquiry hearing on the regulatory requirements for landfills located in

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Illinois' floodplains. The Agency and other interested persons offered testimony on these questions: 1) Whether landfills should be located or prohibited from location within the floodplain; 2) Should the entire floodplain be regulated or just the floodway; 3) Should just the 100-year floodplain be regulated or also the 500-year floodplain; and 4) If the Board decides that facilities should be regulated or prohibited from location within the floodplain, then should the new regulation affect currently permitted facilities or just new facilities and expansions?

B) Statutory Authority: Sections 5 and 27 of the Environmental Protection Act (415 ILCS 5 and 27).

C) Schedule setting hearing dates: A hearing was held June 29, 1996. No additional hearings are presently scheduled.

D) Date agency anticipates First Notice: After review of the hearing transcript and public comments, the Board will determine whether future hearings will be needed or whether a rulemaking docket should be opened. No determination has been made at this time as to whether a First Notice proposal will be adopted.

E) Affect on small business, small municipalities or not for profit corporations: Any operators of landfills may be affected if current rules are changed in any way.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R4-31, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-300
Chicago, IL 60601
(312) 914-6931

Address questions concerning this regulatory agenda, noting docket number R4-31, as follows:

Marie S. Nisford, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-300
Chicago, IL 60601
(312) 914-1925
Internet: mnisford@pcbr1.state.il.us

G) Related rulemakings and other pertinent information: The reserved

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identical-in-substance RCRA Subtitle C update rulemaking dockets R96-10 and R97-5 (see items (x) and (y) above) could potentially impact Parts 724 and 725. Other potential rulemakings (see items (ff), (hh), and (ii) below), including the reserved RCRA Subtitle C update docket R97-4 (see item (ff) below), could potentially impact Parts 811, 814, and 817.

bb) Part(s) (Heading(s) and Code Citation(s)):

Underground Storage Tanks (35 Ill. Adm. Code 711)

1) Rulemaking: Presently reserved docket number R97-6

A) Descriptions: Section 22.4(d) of the Environmental Protection Act (41 ILCS 5/22.4(d) (1991)) mandates that the Board update the Illinois underground storage tank (UST) regulations to reflect amendments to the "EPA UST" regulations, but not including amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibility for USTs.

The Board has reserved docket number R97-6 to accommodate any amendments to the 40 CFR 281 that USEPA may make in the period January 1 through June 30, 1996. At this time, the Board is unaware of any such amendments that would fall within the scope of its mandate during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the UST regulations using the identical-in-substance procedure.

B) Statutory Authority: Sections 22.4(d) and 27 of the Environmental Protection Act (415 ILCS 5/22.4(d) & 27).

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board determines to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical-in-substance proceedings.

D) Date Agency anticipates First Notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by end of August, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the Illinois Register if any federal amendments have occurred. Section 22.4(d) of the Act provides that the Board must

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adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date, if any, is as yet unknown. The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business. Small municipalities or not-for-profit corporations that are making law affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the operation or ownership of USTs, but not including amendments relating to the design, construction, installation, general operation, release prevention, adverse reporting, release investigation, release identification, release service systems, and closure or financial responsibility for USTs.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number R97-6, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 214-5931

Address questions concerning this regulatory agenda, noting docket number R97-6, as follows:

Michael J. McCartridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 214-5931
Internet: mcartridge@polltr.state.il.us

G) Related rulemakings and other pertinent information. No other known proceedings would impact the general provisions of Part 731. Section 32-1(d) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by ICMA. Rather, the Board will cause a Notice of Proposed Amendments to appear in the Illinois Register,

and it will accept public comments on the proposal for 45 days after the date of publication.

cc) Part(s) Heading(s) and Code Classification:

Petroleum Underground Storage Tanks (35 Ill. Adm. Code 732)

1) Rulemaking. No docket presently reserved.

A) Description. As required by P.A. 99-457, effective May 22, 1996, the Illinois Environmental Protection Agency (Agency) must propose regulatory amendments to Part 732 of the Pollution Control Board (Board). The amendments will include criteria for when the Agency will require groundwater investigations at sites that are not listed on the Agency's list of sites requiring investigations. The amendments will require the following changes to the rules: the Agency will have more time to reclassify a site from Low Priority to High Priority; a site classification reclassification report may be selected by operation of law; all references to approvals by operation of law must be changed to denials by operation of law in the event the Agency does not meet its deadlines; a new risk-based procedure will be used for referrals of corrective action in the event of insufficient funds; the annual cap on payments needs amending; and a procedure for use by the Agency to reopen sites receiving No Further Remediation (NFR) letters will be incorporated. Other amendments would include risk-based methods for classifying a site; a tiered approach to determining cleanup objectives; and some administrative clarifications based on program operations.

B) Statutory Authority. Sections 27 and 28 and 57 through 57.17 of the Illinois Environmental Protection Act (415 ILCS 5/27, 28 & 57-57.17).

C) Scheduled meeting/hearing date(s). None scheduled at this time. Once the proposal is filed, the Board will schedule hearings pursuant to Sections 27 and 28 of the Act.

D) Date Agency anticipates First Notice. The Agency is presently in the process of developing a regulatory proposal that it intends to file on September 15, 1996. The Board will publish First Notice some time after receipt of the proposal.

E) Affect on small business. Small municipalities or not-for-profit corporations. The Board anticipates that small businesses, not-for-profit corporations and small municipalities may be affected by this rule.

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F) Agency contact session for information:

Address written comments concerning the substance of the rulemaking, noting docket number 977-6, as follows:

Dorothy Ann Clark
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6931

Address questions concerning this regulatory agenda, noting docket number 977-6, as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 814-6929
Internet: krcrowley@pollbld.state.il.us

G) Related rulemakings and other pertinent information: New 35 Ill. Adm. Code 712. to be proposed at a future date (see item (e) below) and to be referenced in Part 712, would include a tiered approach for developing cleanup objectives. No other known proceeding would impact the general provisions of Part 712.

For information regarding the Agency's development of this proposal, please contact:

Kim Robinson
2200 Churchill Road
Division of Reg. Counsel
P.O. Box 1216
Springfield, IL 62794-2216
(217) 784-3544

dd) Part(s) (Reading(s) and Code Citations(s)):

Site Remediation Program (35 Ill. Adm. Code 710)

1) Rulemaking: No action presently reserved.

A) Description: The Illinois Environmental Protection Agency (Agency) is in the process of developing a proposal intended to implement Title XVII of the Environmental Protection Act. 415 ICES 5/88 through 58.12. Title XVII sets forth a new framework

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for addressing releases or threatened releases of hazardous substances, pesticides and petroleum. The new approach may be used by voluntary participants or by participants who are required to perform site investigation or remediation to come into compliance with the Environmental Protection Act and implementing regulations. However, sites that are subject to federally delegated regulatory programs may be excluded from participation. No proposal has yet been filed with the Board.

Generally, the new structure provides for a phased, risk-based approach to site remediation. The first phase requires the program participant to identify the nature and extent of the contamination to be remediated, current and potential receptors, and other site-specific factors that may affect human health and the environment. The second phase uses the site-specific information to determine remedial objectives that are appropriate for the site. If corrective action is necessary, the third phase is the development and implementation of a remedial action plan. The fourth phase implements the completion of the remedial action. The fifth phase implements the approval of the remedial action plan and reports and all site work are to be supervised by a licensed professional engineer (LPE).

Participants enter into agreements with the Illinois Environmental Protection Agency (Agency) to provide review and evaluation of plans and reports. The participant reimburses the Agency for the review and evaluation services. In the alternative, participants may contract with an LPE to provide initial review and evaluation of plans and reports. Subject to appeal to the Pollution Control Board, the Agency retains final authority for approval, modification or rejection of all plans and reports. Successful completion of the program results in the issuance of a "No Further Remediation Letter" to the participant. To become effective, the No Further Remediation Letter must be recorded with the Office of the Recorder or the Registrar of Titles for the county in which the site is located.

B) Statutory Authority: Sections 27, 28.5, 28.6, 28.7, and 28.11 of the Environmental Protection Act (415 ILCS 5/27, 5/28.5, 5/28.6, 5/28.7, 5/28.11).

C) Scheduled hearing/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will schedule hearings pursuant to Sections 27 and 28 of the Act.

D) Date Agency anticipates first notice: Submittal to the Board is expected on approximately September 15, 1996, after which the Board will order publication of the first notice.

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- E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses, small municipalities, and not-for-profit corporations will not be subject to new obligations as a result of this rule. However, such entities performing site remediation on a voluntary basis or as a result of compliance with Government or emergency provisions of the Environmental Protection Act and implementing regulations may do so in accordance with this program.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number 896-9, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-400
Chicago, IL 60601
(312) 814-6221

Address questions concerning this regulatory agenda, noting docket number 896-9, as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-400
Chicago, IL 60601
(312) 814-6229
Internet: krcrowle@polb.state.il.us

- G) Related rulemakings and other pertinent information: A related rulemaking may be filed with the Pollution Control Board for first notice at approximately the same time as the Site Remediation Program proposal. That rulemaking will be "Tiered Approach to Cleanup Objectives", 35 Ill. Adm. Code 142 (see item (ee) immediately below). The proposed Part 142 will provide the basis for determining cleanup objectives for sites participating in the Site Remediation Program. No other known proceeding would impact the general provisions of Part 142.

For information regarding the Agency's development of the Site Remediation Program regulations, please contact:

Mark Wright
Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churchill Road
P.O. Box 19276

POLLUTION CONTROL BOARD

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Springfield, IL 62794-9776
(217) 792-6944

(ee) Part(s) (Heading(s) and Code Citation(s))

Tiered Approach to Cleanup Objectives (35 Ill. Adm. Code 742)

1) Rulemaking: Presently reserved docket number 896-9

- A) Description: The Illinois Environmental Protection Agency (Agency) in the process of developing a proposal designed to establish a procedure for developing risk-based cleanup objectives for various programs within the Agency's Bureau of Land (e.g., the Leaking Underground Storage Tank Program and the Site Remediation Program). The proposed rule would incorporate a three-tiered approach based on risks at a site and allow for more cost-effective remediation.

In developing the proposed rule, the Agency is using both the American Society for Testing and Materials (ASTM) standard E518-74, "Emergency Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites", and USEPA Draft Guidance for Soil Screening Levels as models.

- B) Statutory Authority: Sections 27, 57-11, and 58.5 of the Environmental Protection Act (45 ILCS 5/27, 57-11 & 58.5).

- C) Scheduled meeting/hearing date(s): None scheduled at this time. Once the proposal is filed, the Board will hold hearings pursuant to Sections 17 and 28 of the Act.

- D) Date Agency anticipates first notice: Submission to the Board by December, 1996, is expected, after which the Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

- E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in remedial actions or own or operate land subject to corrective action.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number 896-9, as follows:

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Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6931

Address questions concerning this regulatory agenda, noting docket number R86-9, as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 811-6929
Internet: KCrowley@pccbl.state.il.us

- G) Related rulemakings and other pertinent information: New Part 712 (Solid Waste Disposal), Part 715 (Air Emissions), Part 716 and 710 (Lead, Cadmium, and PCB) and (cc) and (dd) above). No other known proceeding would impact the general provisions of Part 712.

For information regarding the Agency's development of this proposal, please contact:

Kimberly A. Robinson
Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churchill Road
P.O. Box 13276
Springfield, IL 62794-9276
(217) 782-3344

(F) Part(s) Heading(s) and Code Section(s)

Solid Waste (35 Ill. Adm. Code 307)
Solid Waste Disposal, Air Emissions (35 Ill. Adm. Code 810)
Permits for New Landfills (35 Ill. Adm. Code 811)
Information to be furnished in a Permit Application (35 Ill. Adm. Code 812)
Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)
Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R97-4

A) Description: Section 22.40(a) of the Environmental Protection Act

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(Act) [415 ILCS 5/22-40(a) (1994)] mandates that the Board update the Illinois RCRA Subtitle D municipal solid waste landfill regulations to reflect the US EPA amendments to the federal RCRA Subtitle D rules.

The Board has reserved docket number R97-4 to accommodate any amendments to the 40 CFR 268 RCRA Subtitle D regulations that US EPA may make in the period January 1 through June 30, 1996. At this time, the Board is unaware of any such amendments that would fall within the scope of our mandate during this period to date. The Board will verify any federal actions in coming weeks. If that verification indicates that none have occurred, the Board will dismiss the docket. If amendments are then indicated, the Board will propose corresponding amendments to the US regulations using the identical in-substance procedure.

- B) Statutory Authority: Sections 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/22.40(a) & 27].

C) Scheduled meeting/hearing dates: None scheduled at this time. If the Board investigates to propose amendments, the Board will vote to do so at an open meeting. No public hearing is required in identical in-substance proceedings.

D) Date Agency anticipates first notice: The Board cannot project an exact date for publication at this time. The Board expects to verify any federal actions by the end of August, 1996, after which time the Board would cause a Notice of Proposed Amendments to appear in the Register if any federal amendments have occurred. Section 22.40(a) of the Act provides that the Board must adopt amendments based on the federal amendments involved within one year of the date of those amendments. In this instance, that date would be based on the October 6, 1995 amendments, assuming that the Board will commence this proceeding as promptly as possible consistent with other staffing matters and as resources allow, with a goal of concluding it prior to the date of the August 1996 amendments. The Board anticipates that the Illinois Rules Commission will be asked to propose amendments to the Act and will accept public comments on the proposal for 15 days after the date of publication.

- E) Affect on small business, small municipalities or not-for-profit corporations: This rulemaking may affect small businesses, small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities engage in the land disposal of municipal solid waste.

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F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking, noting docket number 897-4, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 54-6931

Address questions concerning this regulatory agenda, noting docket number 897-4, as follows:

Michael J. McNamee, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 54-6931
Internet: mname@spc01621.state.il.us

G) Related rulemakings and other pertinent information: Docket 897-14 (see item (a) above), relating to imposing restrictions on the location of hazardous and non-hazardous waste landfills in floodplains and floodways, other prospective rulemakings (see items (n) and (i) below), and other as yet unknown rulemaking proceedings could potentially impact Parts 807 and 810 through 815.

Section 22.40(a) of the Act provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100.725 and 2-0) shall not apply, because this rulemaking is not subject to Section 5 of the APA. "CAP is not subject to the Act, Not to be a Second Step." The Administrative Procedure Act will cause a second step of review and comments to be required by the Board, and it will accept public comments on the proposal for 45 days after the date of publication.

99) Part(s) (Heading(s) and Code Citation(s)):

Special Waste Classifications (35 Ill. Adm. Code 808)

1) Rulemaking: No docket presently reserved.

A) Description: The Illinois Environmental Protection Agency (IEPA) is in the process of developing amendment to the regulations addressing special waste classifications, located at

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35 Ill. Adm. Code 808. The amendments would provide relaxation for small businesses if requirements relating to the handling of special waste, possibly including manifesting, storage, and/or transportation requirements.

B) Statute: Administrative Code Sections 21-22, 22.01, 22.2 and 27 of the Environmental Protection Act (415 ILCS 5/21, 22, 22.01, 22.2 and 27).

C) Scheduled meeting: Hearing date: None scheduled at this time. Once the proposal is filed, the Board will schedule hearings pursuant to Sections 27 and 28 of the Act.

D) Date agency anticipates filing notice: The Agency expects to submit a proposal to the Board in summer 1996. Upon receipt, Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Affect on small business, small municipalities or not-for-profit corporations: The Board anticipates that small businesses, small not-for-profit corporations and small municipalities will be affected by this rule to the extent they generate, store, or transport special waste.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 54-6931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 54-6929
Internet: kcrowley@spc01621.state.il.us

G) Related rulemakings and other pertinent information: No other known proceedings would impact the general provisions of Part 808.

Judith S. Dyer

POLLUTION CONTROL BOARD

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Act (415 ILCS 5/27).

C) Scheduled meeting/hearing dates: Hearings were scheduled for June 24 and 25, 1996. No additional meetings are presently scheduled.

D) Date Agency anticipates First Notice: The Board will cause a Notice of Proposed Amendments to appear in the Illinois Register shortly after any vote to propose amendments, and it will accept public comments on the proposal for 45 days after the date of publication.

E) Affect on small business, small municipalities or not for profit corporations: The Pollution Control Board anticipates that small businesses, small municipalities, and not-for-profit corporations will not be affected by this rule.

F) Contact:

Address written comments concerning the substance of the rulemaking, using docket number R96-3, as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 314-4931

Address questions concerning this regulatory agenda, noting docket number R96-3, as follows:

Audrey Lorkuk-Lavies
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 314-4923
Internet: alorkuk@pcb0161.state.il.us

G) Related rulemakings and other pertinent information: Docket R94-34 (see item (aa) above), relating to imposing restrictions on the location of "hazardous and non-hazardous waste landfills in floodplains and floodways, other prospective rulemakings (see items (bb) and (ll) below), and other as yet unknown rulemaking proceedings could potentially impact Parts 407 and 410 through 415.

J) Part(s) (Heading(s) and Code Citation(s)):

POLLUTION CONTROL BOARD

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Standards for Compost Facilities (35 Ill. Adm. Code 430)

L) Rulemaking: No docket presently reserved.

A) Description: Rules amending the regulations addressing compost facilities located at 35 Ill. Adm. Code 430, are currently being developed by the Agency for proposal to the Board. The adopted regulations establish performance standards for landscape waste compost facilities and performance and testing for end-product compost produced at such facilities. The amendments to be proposed will provide performance standards governing facilities composting organic and mixed municipal waste.

B) Statutory Authority: Sections 22.31, 22.35 and 27 of the Environmental Protection Act (415 ILCS 5/22.35 & 27).

C) Scheduled meeting/hearing dates: None scheduled at this time. Once the proposal is filed, the Board will schedule hearings pursuant to Sections 27 and 29 of the Act.

D) Date Agency anticipates First Notice: The Agency expects to submit a proposal to the Board by September, 1996. Upon receipt, Board will cause publication of a Notice of Proposed Amendments in the Illinois Register.

E) Affect on small business, small municipalities or not for profit corporations: The Board anticipates that small businesses, small municipalities and not-for-profit corporations will not be affected by this rule to the extent they engage in waste composting or the distribution of finished compost product.

F) Agency contact person for information:

Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601
(312) 314-4931

Address questions concerning this regulatory agenda as follows:

Kathleen M. Crowley, Senior Attorney
Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

DEPARTMENT OF PROFESSIONAL REGULATION

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- a) Partial Hearing and Code Citation: Barber, Cosmetology, Ethics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)

1) Rulemaking:

- A) Descriptions: A Section defining disonorable, unethical or unprofessional conduct by barbers will be proposed pursuant to Section 4-7 of the Act.

- B) Statutory Authority: (225 ILCS 110)

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit organizations: Small municipalities or not for profit organizations, licensed barbers, cosmetologists, estheticians and nail technicians should be affected by these Proposed Amendments.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
300 West Washington, 3rd Floor
Springfield, IL 62760
217/795-6013 Fax: 217/795-7645

- G) Related rulemakings and other pertinent information: None.

- b) Partial Hearing and Code Citation: Professional Boxing and Wrestling Act (68 Ill. Adm. Code 1070)

1) Rulemaking:

- A) Descriptions: Rules will be rewritten to bring them up to date with the Act.

- B) Statutory Authority: (225 ILCS 1051)

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit organizations: Boxers, wrestlers, their promoters,

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- referees and persons connected with "ultimate fighting exhibits" could be affected by these Proposed Amendments.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
300 West Washington, 3rd Floor
Springfield, IL 62760
217/795-6013 Fax: 217/795-7645

- G) Related rulemakings and other pertinent information: None.

- c) Partial Hearing and Code Citation: Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 410)

1) Rulemaking:

- A) Descriptions: Section 1150.80 will be updated to provide rules for limited liability companies and sole proprietorships. Sections 1150.30 and 1150.60, concerning persons applying for licensure by examination or endorsement, will be updated to reflect House Bill 1117 as signed by the Governor. This bill requires applicants who received their education in a foreign country to submit proof of successful completion of the test of English as a Foreign Language (TEFL) and the Test of Spoken English (TSE). The bill also would allow the Department to promulgate rules requiring an applicant, at the applicant's expense, to have an evaluation of the applicant's education and a foreign country employed by a nationally recognized educational body.

- B) Statutory Authority: (225 ILCS 305)

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Summer of 1996

- E) Effect on small businesses, small municipalities or not for profit organizations: Applicants who received their architect education in a foreign country face added expenses to have their education evaluated, and some graduates of foreign education programs will need to pay for the TEFL and TSE exams.

- F) Agency contact person for information:

DEPARTMENT OF PROFESSIONAL REGULATION

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Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62766
217/785-6213 Fax: 217/784-7645

- C) Related rulemakings and other pertinent information: None.

- d) Partial Heading and Code Citation: The Professional Engineering Practice Act of 1969, 68 Ill. Ann. Code 1270

1) Rulemaking

- A) Description: Section 1270.120 will be updated to provide licensure for limited liability companies and sole proprietorships.

- B) Statutory Authority: 1205 ILCS 1201

- C) Scheduled hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates first notice: Summer of 1996

- E) Effect on small businesses, small municipalities, not-for-profit organizations: This rulemaking will affect any proprietorship owned and operated by a professional engineer who has an active Illinois license as well as persons who desire to practice professional engineering in Illinois in the form of a partnership, limited liability company or corporation.

- F) Agency contact person for information

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62766
217/785-6213 Fax: 217/784-7645

- G) Related rulemakings and other pertinent information: None.

- e) Partial Heading and Code Citation: Illinois Professional Land Surveyor Act of 1969, 68 Ill. Ann. Code 1273

1) Rulemaking

- A) Description: Section 1270.45 will be updated to provide

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rules for limited liability companies and sole proprietorships. Sections 1270.45, 1270.10 and 1270.30, concerning persons applying for licensure by examination or endorsement, will be updated if enrolled House Bill 1227 is signed by the Governor. This bill requires applicants who received their land surveying education in a foreign country to submit proof of successful completion of the test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE). The bill also would allow the Department to promulgate rules requiring an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country completed by a nationally recognized educational body.

- B) Statutory Authority: 1205 ILCS 1201

- C) Scheduled hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates first notice: Summer of 1996

- E) Effect on small businesses, small municipalities, not-for-profit organizations: Applicants who received their land surveying education in a foreign country face added expenses to have their education evaluated, and some graduates of foreign education programs will need to pay for the TOEFL and TSE exams.

- F) Agency contact person for information

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62766
217/785-6213 Fax: 217/784-7645

- G) Related rulemakings and other pertinent information: None.
F) Partial Heading and Code Citation: The Structural Engineering Licensing Act of 1969, 68 Ill. Ann. Code 1480

1) Rulemaking

- A) Description: Section 1480.100 will be updated to provide rules for limited liability companies and sole proprietorships. Sections 1480.10 and 1480.170, concerning persons applying for licensure by examination or by endorsement, will be updated if enrolled House Bill 1227 is

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signed by the Governor. This bill requires applicants who received their professional engineering education in a foreign country to submit proof of successful completion of the State of Illinois Fundamentals Exam and the Test of Spoken English (TSE) exam. This bill also would allow the Department to promulgate rules requiring an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country completed by a nationally recognized educational body.

B) Statutory Authority: (225 ILCS 340)

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates first notice: Summer of 1996

E) Effect on small businesses, small municipalities or not-for-profit corporations: Applicants who received their structural engineering education in a foreign country face added expenses to have their education evaluated, and some graduates of foreign education programs will need to pay for the TSE exam and TSE exam. This rulemaking also will affect any apprentices bond and operated by a structural engineering company. The bill also would require a structural engineer who is a partner in a firm practicing engineering in Illinois in the form of a partnership, limited liability company or corporation.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-7813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

9) Part(s) (Heading and Code Citation): Illinois Dental Practice Act (68 Ill. Adm. Code 1220)1) Rulemaking:

A) Description: Subpart D, pertaining to anesthesia permits, will be updated.

B) Statutory Authority: (225 ILCS 25)

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C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates first notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed dentists who administer general anesthesia or parental conscious sedation may be affected by this rulemaking.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-7813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Detection of Deception Examiner Act (68 Ill. Adm. Code 1230)1) Rulemaking:

A) Description: Rules will be updated to repeal outdated material and amend Sections dealing with practical experience requirements and examinations.

B) Statutory Authority: (225 ILCS 430)

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates first notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed detection of deception examiners and trainees preparing for licensure may be affected by this rulemaking.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-7813 Fax: 217/782-7645

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- G) Related rulemakings and other pertinent information: None.

1) Part(s) (Heading and Code Citation): Dietetic and Nutrition Services Practice Act (68 Ill. Adm. Code 1245)

1) Rulemaking:

- A) Description: New Sections pertaining to continuing education and a code of ethics will be added along with any cleanup necessary since the rules for regulating this profession were adopted in 1995.

B) Statutory Authority: (25 ILCS 30)

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

- E) Effect on small businesses, small municipalities or not for profit corporations: Dietitians, nutritionists and their education providers will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62796
217/785-0810 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

a) Part(s) (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

- A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (ITRA Section 601(b)(3)), the tax credit for Tech Prep Youth Vocational Programs (ITRA Section 209), and the Dependent Care Assistance Credit (ITRA Section 210).

Part 100 will be amended by the addition of rules governing the definition of "financial institution" (ITRA Section 1301(a)(8)) and rules governing the deduction of dependent care expenses on an election basis (ITRA Section 1301(a)(9)). Regulations on an enterprise zone (ITRA Sections 203(a)(2)(I), 203(b)(2)(K), 203(b)(2)(M), and 203(d)(2)(K)).

Subpart P of Part 100 will be amended to update the Department's rules concerning the filing of combined returns under Section 501(e) of the Illinois Income Tax Act.

Some rules changes will be made to Part 100 as a result of recent legislation. As a result of the adoption of P.A. 89-669, rules with respect to acceptance of substitute W-2s will be proposed. Pursuant to 89-648, the Department has been developing rules to implement the Medical Care Savings Account Act. As a result of P.A. 89-160, the rules governing the deduction for interest on tax-exempt bonds will be revised to clarify the computation of the deduction and to update the listing of exempt bond.

Finally, the Department will continue the updating of Part 100.

B) Statutory Authority: 35 ILCS 5-101 and 35 ILCS 5-1401

- C) Scheduled meeting/hearing basis: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.

E) Effect on small businesses, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

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Paul S. Caselton
Senior Chief Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Retailers' Occupation Tax, 96 Ill. Adm. Code 130

1) Rulemaking:

- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments and decisional law.

The Department will also continue the updating of Part 130.

- B) Statutory Authority: 35 ILCS 120

- C) Scheduled meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

- E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

- G) Related rulemakings and other pertinent information: None

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- c) Part(s) (Heading and Code Citation): Service Occupation Tax, 96 Ill. Adm. Code 140

1) Rulemaking:

- A) Description: These rules are part of a general update of the Service Occupation Tax regulations to reflect new statutory developments and decisional law.

The Department will also continue the updating of Part 140.

- B) Statutory Authority: 35 ILCS 115

- C) Scheduled meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

- E) Affect on small businesses, small municipalities or not for profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
(217) 782-7054

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Hotel Operators' Occupation Tax, 96 Ill. Adm. Code 480

1) Rulemaking:

- A) Description: These rules require amendment to include the provisions of P.A. 89-951, which amended the definition of "permanent resident".

Also, the Department will continue the updating of Part 480.

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B) Statutory Authority: 35 ILCS 145

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 180 during the next six months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments will affect persons subject to the Hotel Operators' Occupation Tax.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 3-500
Springfield, IL 62794
(217) 782-7034

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Telecommunications Excise Tax, 96 Ill. Adm. Code 195

1) Rulemaking:

A) Description: The rules will be amended to clarify both current statutory provisions and Department policy. Many new technologies have evolved since the Act was established, and the manner in which these technologies are taxed can be clarified in the rules.

B) Statutory Authority: 35 ILCS 630

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 195 during the next six months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: Retailers of telecommunications will be affected by these regulations.

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F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 3-500
Springfield, IL 62794
(217) 782-7034

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Motor Fuel Tax, 86 Ill. Adm. Code 500

1) Rulemaking:

A) Description: Amendments will be made to update the Motor Fuel Tax regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 35 ILCS 505

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed in respect to Part 500 over the next six months. We anticipate filing rulemakings amending Part 500 on a regular basis during the second six months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: There may be an effect on distributors, suppliers and receivers of motor fuel.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 3-500
Springfield, IL 62794
(217) 782-6396

G) Related rulemakings and other pertinent information: None

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- g) Part(s) (Heading and Code Citation): Salem Civic Center Retailers' Occupation Tax (New Part), 86 Ill. Adm. Code 690

1) Rulemaking:

- A) Description: New rules will be added which clarify and implement the Salem Civic Center Retailers' Occupation Tax

- B) Statutory Authority: 70 ILCS 335

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date Agency anticipates First Notice: The Department anticipates filing rulemakings to add this New Part during the next six months of this year.

- E) Affect on small businesses, small municipalities or not for profit corporations: Certain small businesses that sell tangible personal property at retail will be affected by these regulations.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, S-500
Springfield, IL 62794
(217) 782-6996

- G) Related rulemakings and other pertinent information: None

- h) Part(s) (Heading and Code Citation): Salem Civic Center Service Occupation Tax (New Part), 86 Ill. Adm. Code 691

1) Rulemaking:

- A) Description: New rules will be added which clarify and implement the Salem Civic Center Service Occupation Tax

- B) Statutory Authority: 70 ILCS 335

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date Agency anticipates First Notice: The Department anticipates filing rulemakings to add this New Part during the next six

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months of this year.

- E) Affect on small businesses, small municipalities or not for profit corporations: Certain servicemen transferring tangible personal property incident to service will be affected by these regulations.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, S-500
Springfield, IL 62794
(217) 782-6996

- G) Related rulemakings and other pertinent information: None

- i) Part(s) (Heading and Code Citation): Salem Civic Center Use Tax (New Part), 86 Ill. Adm. Code 692

1) Rulemaking:

- A) Description: New rules will be added which clarify and implement the Salem Civic Center Use Tax

- B) Statutory Authority: 70 ILCS 335

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date Agency anticipates First Notice: The Department anticipates filing rulemakings to add this New Part during the next six months of this year.

- E) Affect on small businesses, small municipalities or not for profit corporations: Users of certain tangible personal property will be affected by these regulations.

- F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, S-500
Springfield, IL 62794
(217) 782-6996

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- G) Related rulemakings and other pertinent information: None

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.

- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: The amendment will have no effect on small businesses, small municipalities or not-for-profit corporations.

- F) Agency contact person for information:

Name: Mr. James W. Redlich
Address: Chief Constable
111 East State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

- G) Related rulemakings and other pertinent information: None.

- b) Part(s) (Reading and Code Citation): Illinois Uniform Conviction Information Act; 20 Ill. Adm. Code 1215

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Illinois Uniform Conviction Information Act.

- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2635/19

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined

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- a) Part(s) (Reading and Code Citation): Individual's Right to Access and Review Criminal History Record Information; 20 Ill. Adm. Code 1210

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.

- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: The amendment will have no effect on small businesses, small municipalities or not-for-profit corporations.

- F) Agency contact person for information:

Name: Mr. James W. Redlich
Address: Chief Constable
111 East State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

- G) Related rulemakings and other pertinent information: None.

- b) Part(s) (Reading and Code Citation): Illinois Uniform Conviction Information Act; 20 Ill. Adm. Code 1215

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Illinois Uniform Conviction Information Act.

- B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2635/19

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined

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at this time.

- E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James N. Redlich
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

- G) Related rulemakings and other pertinent information: None.

- c) Part(s) (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Intergovernmental Drug Enforcement Act.

- B) Statutory Authority: 20 ICES 2605/55A and 30 ICES 715/5

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates first notice: No date has been determined at this time.

- E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James N. Redlich
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

DEPARTMENT OF STATE POLICE
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G) Related rulemakings and other pertinent information: None.

- d) Part(s) (Heading and Code Citation): Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with asset seizure and forfeiture.

- B) Statutory Authority: 20 ICES 2605/55A, 720 ICES 550/12, and 720 ICES 570/505

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates first notice: No date has been determined at this time.

- E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James N. Redlich
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

- G) Related rulemakings and other pertinent information: None.

- e) Part(s) (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with granting, denying and revoking the Firearm Owner's Identification Card and related activities.

- B) Statutory Authority: 20 ICES 2605/55A and 430 ICES 65/11

- C) Scheduled meeting/hearing dates: No schedule has been established at this time.

DEPARTMENT OF STATE POLICE

JULY 1996 REGULATORY AGENDA

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James W. Redlich
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None.

F) Part(s) (Heading and Code Citation): Firearm Transfer Inquiry Program: 20 Ill. Adm. Code 1295

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.

B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/3.1

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James W. Redlich
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461

DEPARTMENT OF STATE POLICE

JULY 1996 REGULATORY AGENDA

Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None.

H) Part(s) (Heading and Code Citation): Law Enforcement Agencies Data System (LEADS); 20 Ill. Adm. Code 1240

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the LEADS computer network.

B) Statutory Authority: 20 ILCS 2605/55a

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James W. Redlich
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None.

H) Part(s) (Heading and Code Citation): Gang Crime Witness Protection Act; 20 Ill. Adm. Code 1295

1) Rulemaking:

A) Description: The proposed rule will establish procedures for obtaining reimbursement through the Illinois State Police for protective relocation of victims and witnesses relating to gang crimes.

B) Statutory Authority: 20 ILCS 2605/55a and P.A. 89-199, effective June 27, 1996

DEPARTMENT OF STATE POLICE

JULY 1996 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: July 8, 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James W. Redlion
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 2481
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None.

I) Part(s) (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.

B) Statutory Authority: 20 ILCS 2605/55a and 730 ILCS 150/4

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James W. Redlion
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102

DEPARTMENT OF STATE POLICE

JULY 1996 REGULATORY AGENDA

P.O. Box 13461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None.

J) Part(s) (Heading and Code Citation): Child Sex Offender and Murderer Community Notification Law; 20 Ill. Adm. Code 1282

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to implementation of the Child Sex Offender and Murderer Community Notification Law.

B) Statutory Authority: 730 ILCS 152 and 20 ILCS 2605/55a

C) Scheduled meeting/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Affect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Name: Mr. James W. Redlion
Address: Chief Legal Counsel
Illinois State Police
125 East Monroe Street, Room 102
P.O. Box 13461
Springfield, Illinois 62794-9461
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None.

K) Part(s) (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

DEPARTMENT OF STATE POLICE
JULY 1996 REGULATORY AGENDA

- B) Statutory Authority: 20 ILCS 2605/55 and 730 ILCS 5/5-4-3
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Affect on small businesses, small municipalities or not for profit corporations: The amendment or rule will have no effect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
Name: Mr. James W. Redlich
Address: Chief of Police
Illinois State Police
135 East Monroe Street, Room 102
P.O. Box 12461
Springfield, Illinois 62794-9461
Telephone: 217 782-7668
- G) Related rulemakings and other pertinent information: None.

TEACHERS: RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JULY 1996 REGULATORY AGENDA

- A) Part(s) (Heading and Code Classification): The Administration and Operation of the Teachers Retirement System, 90 Ill. Adm. Code 1650
- 1) Rulemaking:
- A) Description: The Teachers' Retirement System ("System") anticipates proposing amendments to several of its existing rules for purposes of clarification. The System also intends to enact several new rules to deal with certain administrative issues. Subjects to be addressed include: purchase of optional service, creditability of sick leave, computation of reversionary annuities, reportability of earnings, the Early Retirement Option (ERO), qualified plan rollovers, refund of contributions and termination of service for retirement purposes.
- B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code (40 ILCS 5 10-101); Freedom of Information Act (5 ILCS 140); Section 41(a)(21) of the Internal Revenue Code (26 U.S.C. 401(a)(21)); Section 9-15 of the Illinois Administrative Procedures Act (5 ILCS 100.9-15).
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.
- D) Date agency anticipates First Notice: Unknown.
- E) Affect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
Erin B. Smith, Legal Assistant
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-7253
Telephone: (217) 753-0961
- G) Related rulemakings and other pertinent information: The information contained in the January 1996 Regulatory Agenda will be applied when the System submits its first Notice for proposed amendments.

DEPARTMENT OF TRANSPORTATION

JULY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Mailbox Turnouts; 92 Ill. Adm. Code 512

1) Rulemaking:

A) Description: The purpose of this Part is to establish specifications for the place of erection and maintenance of mailboxes and the construction and maintenance of all-weather surfaces at mailboxes on state highways.

B) Statutory Authority: 605 ILCS 5/4-207

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates first notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses and not-for-profit corporations may be affected by this rulemaking. The delivery of their mail may change because of the revisions to this Part.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Business Logo Signing Program; 92 Ill. Adm. Code 512

1) Rulemaking:

A) Description: This Part was established to regulate the use of business logos displayed along various interstate highways. The purpose of this Part is to create physical specifications for standards, specifications and financial responsibility for standards. The displayed business logos on specific service parks. The displayed business logos provide motorists with travel related directional information to facilities offering gas, food, lodging, and camping. The Department will propose technical changes in this upcoming rulemaking.

DEPARTMENT OF TRANSPORTATION

JULY 1996 REGULATORY AGENDA

- B) Statutory Authority: 225 ILCS 410/4.08 and 14.01 and 605 ILCS 5/4-211

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates first notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses and possibly not-for-profit organizations. Small municipalities will not be impacted by this rule.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): School Bus Drivers Pretrip Inspection requirements; 92 Ill. Adm. Code 453

1) Rulemaking:

A) Description: The purpose of this rulemaking will be to establish a new part that addresses pretrip inspection requirements alone as a separate rule, to be used by school bus drivers and administrators. Currently, the pretrip inspection requirements are included as part of the school bus inspection manual that is used by official testing stations. The pretrip inspection requirements should stand alone as a separate rule. No new procedures or changes to the program are anticipated at this time.

B) Statutory Authority: Section 13-115 of the Illinois Vehicle Code [625 ILCS 5/13-115].

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates first notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses and municipalities that operate school buses.

DEPARTMENT OF TRANSPORTATION

JULY 1996 REGULATORY AGENDA

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
 Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway, Room 300
 Springfield, Illinois 62764
 Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None
- d) Partial (Heading and Code Citation): Official Testing Stations, 32 Ill. Adm. Code 418

1) Rulemaking:

- A) Description: This Part, governing Official Testing Stations, will be reorganized, rewritten, and updated.
- B) Statutory Authority: Implementing and authorized by Section 12-711 and 12-713 of the Illinois Vehicle Equipment Law (625 ILCS 5.12-711 and 12-713), the Illinois Vehicle Inspection Law (625 ILCS 5.13) and Section 6-110 of the Illinois Driver Licensing Law (625 ILCS 5/6-110).
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates first notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and municipalities that own or operate Illinois Official Testing Stations.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
 Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway, Room 300
 Springfield, Illinois 62764
 Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None
- e) Partial (Heading and Code Citation): Appendix G Vehicle Inspection Manual, 32 Ill. Adm. Code _____

DEPARTMENT OF TRANSPORTATION

JULY 1996 REGULATORY AGENDA

1) Rulemaking:

- A) Description: This rulemaking will establish an administrative rule that addresses the "Appendix G" truck inspection procedures.
- B) Statutory Authority: Implementing and authorized by Section 13-101 of the Illinois Vehicle Code (625 ILCS 5/13-101).
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates first notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and municipalities that own or operate Illinois Official Testing Stations.
- F) Agency contact person for information:
- Christine Caronna-Beard, Rules Manager
 Illinois Department of Transportation
 Office of Chief Counsel, Room 300
 2300 South Dirksen Parkway, Room 300
 Springfield, Illinois 62764
 Telephone: 217-782-3215

- G) Related rulemakings and other pertinent information: None
- f) Partial (Heading and Code Citation): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 1205

1) Rulemaking:

- A) Description: This rulemaking updates Part 1235 to, among other things, accurately reflect the reorganization of the Department's Division of Highways.
- B) Statutory Authority: 5 ILCS 100/5-15 and 20 ILCS 5/16)
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates first notice: This rulemaking will be effective upon filing. Anticipated filing date is approximately 6 months from now.
- E) Effect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF TRANSPORTATION

JULY 1996 REGULATORY AGENDA

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764
Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Classification): Control of Outdoor Advertising Adjacent to Primary and Interstate Highways; 92 Ill. Adm. Code 522

1) Rulemaking:

A) Description: HB 3411 amended the Highway Advertising Control Act of 1971 to comply with the provisions of the federal Intermodal Surface Transportation Efficiency Act (ISTEA) regarding the creation of the National Highway System and Scenic Byways. The passage of this bill brings the Department into full compliance with the federal law regarding scenic byways and the highway beautification regulations. New definitions will be added to the Part pursuant to HB 3411.

B) Statutory Authority: 225 ILCS 440/14.01

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: The billboard industry, hotel-motel managers' association and other groups affected by the revisions were involved in writing this specific legislation and will most likely support the rule changes. Small businesses will be affected to the extent that non-conforming signs will not be eligible to be re-erected if, for example, they are damaged in a storm.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 300
2300 South Dirksen Parkway, Room 300
Springfield, Illinois 62764

DEPARTMENT OF TRANSPORTATION

JULY 1996 REGULATORY AGENDA

Telephone: 217-782-3215

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON - CHAIR

ROOM 16-303

CHICAGO, ILLINOIS

CITY OF CHICAGO

JULY 23, 1996

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
100 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Agriculture

Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
-First Notice Published: 20 Ill. Reg. 6626 - 3/17/96
-Expiration of Second Notice Period: 9/16/96

Banks and Trust Companies

Repeal of Electronic Fund Transfers (38 Ill. Adm. Code 310)
-First Notice Published: 20 Ill. Reg. 4850 - 3/29/96
-Expiration of Second Notice Period: 9/7/96

Electronic Fund Transfers (38 Ill. Adm. Code 315)

-First Notice Published: 20 Ill. Reg. 4871 - 3/29/96
-Expiration of Second Notice Period: 9/7/96

Corporate Fiduciary Subsidiaries (38 Ill. Adm. Code 396)

-First Notice Published: 20 Ill. Reg. 2638 - 2/16/96

-Expiration of Second Notice Period: 8/7/96

Hearings for Removal of Directors, Officers, Employees or Agents of a State Bank (38 Ill. Adm. Code 300)
-First Notice Published: 20 Ill. Reg. 5326 - 4/5/96
-Expiration of Second Notice Period: 8/9/96

Education

Special Education (23 Ill. Adm. Code 226)
-First Notice Published: 20 Ill. Reg. 6101 - 5/3/96
-Expiration of Second Notice Period: 8/11/96

Environmental Protection Agency

Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works (35 Ill. Adm. Code 366)
-First Notice Published: 20 Ill. Reg. 81 - 1/5/96
-Expiration of Second Notice Period: 7/31/96

Health Facilities Planning Board

Public Notice of Opportunity for Public Hearing and Public Hearing Procedures (77 Ill. Adm. Code 1200)
-First Notice Published: 20 Ill. Reg. 4169 - 3/15/96
-Expiration of Second Notice Period: 8/16/96

Insurance

Valuation of Life Insurance Policies (Including the Introduction and Use of New Select Mortality Factors) (21 Ill. Adm. Code 1109)
-First Notice Published: 20 Ill. Reg. 5695 - 2/1/96
-Expiration of Second Notice Period: 7/26/96

Health Maintenance Organization (50 Ill. Adm. Code 6101)

-First Notice Published: 19 Ill. Reg. 10937 - 7/28/95
-Expiration of Second Notice Period: 7/26/96

Labor

Personnel Records Review Act (56 Ill. Adm. Code 355)
-First Notice Published: 20 Ill. Reg. 3713 - 3/1/96
-Expiration of Second Notice Period: 8/24/96

Natural Resources

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)
-First Notice Published: 20 Ill. Reg. 6079 - 5/3/96
-Expiration of Second Notice Period: 9/10/96

White-Tailed Deer Hunting Season by Use of Handguns (17 Ill. Adm. Code 630)

Podiatric Medical Practice Act of 1987 (59 Ill. Admin. Code 1360)
 -First Notice Published: 20 Ill. Reg. 6555 - 3/17/96
 -Expiration of Second Notice Period: 8/16/96

Public Aid

Refugee/Entrant/Repatriate Program (59 Ill. Admin. Code 115)
 -First Notice Published: 20 Ill. Reg. 5465 - 4/12/96
 -Expiration of Second Notice Period: 8/3/96

Food Stamps (59 Ill. Admin. Code 121)
 -First Notice Published: 20 Ill. Reg. 5440 - 4/12/96
 -Expiration of Second Notice Period: 8/9/96

Food Stamps (59 Ill. Admin. Code 121)
 -First Notice Published: 20 Ill. Reg. 5966 - 4/26/96
 -Expiration of Second Notice Period: 8/10/96

Medical Payment (59 Ill. Admin. Code 140)
 -First Notice Published: 20 Ill. Reg. 5448 - 4/12/96
 -Expiration of Second Notice Period: 8/10/96

Developmental Disabilities Services (59 Ill. Admin. Code 141)
 -First Notice Published: 20 Ill. Reg. 5434 - 4/12/96
 -Expiration of Second Notice Period: 8/9/96

Public Health

Local Health Protection Grant Rules (77 Ill. Admin. Code 615)
 -First Notice Published: 20 Ill. Reg. 3814 - 3/1/96
 -Expiration of Second Notice Period: 8/21/96

Racing Board

H/Low (11 Ill. Admin. Code 313)
 -First Notice Published: 20 Ill. Reg. 6000 - 4/26/96
 -Expiration of Second Notice Period: 7/31/96

Rehabilitation Services

Provider Requirements, Type Services, and Rates of Payment (59 Ill. Admin. Code 636)
 -First Notice Published: 20 Ill. Reg. 3055 - 2/16/96
 -Expiration of Second Notice Period: 8/18/96

Repeal of Orders for Independent Living (59 Ill. Admin. Code 395)

-First Notice Published: 20 Ill. Reg. 4922 - 3/29/96
 -Expiration of Second Notice Period: 8/15/96

Centers of Independent Living (59 Ill. Admin. Code 886)
 -First Notice Published: 20 Ill. Reg. 4561 - 3/22/96
 -Expiration of Second Notice Period: 8/15/96

-First Notice Published: 20 Ill. Reg. 5963 - 4/26/96
 -Expiration of Second Notice Period: 7/26/96

Spiritual Healing (17 Ill. Admin. Code 690)

-First Notice Published: 20 Ill. Reg. 5956 - 4/26/96
 -Expiration of Second Notice Period: 7/26/96

The Taking of Wild Turkeys - Fall Gun Season (17 Ill. Admin. Code 715)

-First Notice Published: 20 Ill. Reg. 6033 - 5/3/96
 -Expiration of Second Notice Period: 8/9/96

The Taking of Wild Turkeys - Fall Archery Season (17 Ill. Admin. Code 720)

-First Notice Published: 20 Ill. Reg. 6036 - 5/3/96
 -Expiration of Second Notice Period: 8/9/96

Dove Hunting (17 Ill. Admin. Code 730)

-First Notice Published: 20 Ill. Reg. 5936 - 4/26/96
 -Expiration of Second Notice Period: 7/26/96

Crow, Woodcock, Snipe, Pail and Teal Hunting (17 Ill. Admin. Code 740)

-First Notice Published: 20 Ill. Reg. 5927 - 4/26/96
 -Expiration of Second Notice Period: 7/26/96

Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations (59 Ill. Admin. Code 180)

-First Notice Published: 20 Ill. Reg. 5424 - 3/15/96
 -Expiration of Second Notice Period: 8/14/96

Pollution Control Board

Solid Waste (35 Ill. Admin. Code 807)

-First Notice Published: 19 Ill. Reg. 14280 - 10/13/95
 -Expiration of Second Notice Period: 8/14/96

Solid Waste Disposal: General Provisions (35 Ill. Admin. Code 810)

-First Notice Published: 19 Ill. Reg. 14516 - 10/20/95
 -Expiration of Second Notice Period: 8/14/96

Standards for New Solid Waste Landfills (35 Ill. Admin. Code 811)

-First Notice Published: 19 Ill. Reg. 14286 - 10/13/95
 -Expiration of Second Notice Period: 8/14/96

Alternative Standards for New Utility Waste Landfills (35 Ill. Admin. Code 816)

-First Notice Published: 19 Ill. Reg. 14260 - 10/13/95
 -Expiration of Second Notice Period: 8/14/96

Professional Regulation

Illinois Physical Therapy Act (68 Ill. Admin. Code 1340)

-First Notice Published: 20 Ill. Reg. 1103 - 1/19/96
 -Expiration of Second Notice Period: 8/16/96

Revenue

Income Tax (95 Ill Adm Code 100)

-First Notice Published: 20 Ill Reg 6004 - 4/26/96

-Expiration of Second Notice Period: 8/18/96

Secretary of State

Certificates of Title, Registration of Vehicles (92 Ill Adm Code 1010)

-First Notice Published: 20 Ill Reg 6372 - 5/10/96

-Expiration of Second Notice Period: 8/9/96

Dealers, Tractors, Transporters and Rebuilders (92 Ill Adm Code 1020)

-First Notice Published: 20 Ill Reg 5488 - 4/12/96

-Expiration of Second Notice Period: 7/26/96

EMERGENCY & TEMPORARY RULEMAKINGS

Commerce Commission

Approval of Negotiated Agreements (83 Ill Adm Code 763) (Emergency)

-Notice Published: 20 Ill Reg 8427 - 6/28/96

Arbitration Practice (83 Ill Adm Code 761) (Emergency)

-Notice Published: 20 Ill Reg 8541 - 6/28/96

Education

Charter Schools (23 Ill Adm Code 650) (Emergency)

-Notice Published: 20 Ill Reg 8677 - 7/5/96

Gaming Board

Riverboat Gambling (96 Ill Adm Code 3000) (Emergency)

-Notice Published: 20 Ill Reg 8051 - 6/14/96

Nuclear Safety

Compensation of Local Governments for Emergency Planning and Participation

in Nuclear Emergency Response Activities (92 Ill Adm Code 501) (Emergency)

-Notice Published: 20 Ill Reg 8441 - 6/21/96

Public Health

AIDS Drug Reimbursement Program (77 Ill Adm Code 632) (Emergency)

-Notice Published: 20 Ill Reg 8353 - 6/21/96

Secretary of State

Issuance of Licenses (92 Ill Adm Code 1030) (Emergency)

-Notice Published: 20 Ill Reg 8359 - 6/21/96

State Police Merit Board

Procedures of the Department of State Police Merit Board (80 Ill Adm Code 130) (Emergency)

-Notice Published: 20 Ill Reg 8062 - 6/14/96

Student Assistance Commission

Alternative Loan Program (23 Ill Adm Code 2721) (Emergency)

-Notice Published: 20 Ill Reg 8066 - 6/14/96

EXPEDITED CORRECTION

Commerce Commission

Telecommunications Access for Persons with Disabilities (83 Ill Adm Code 755)

AGENCY RESPONSES

Central Management Services

Pay Plan (80 Ill Adm Code 310)

Law Enforcement Training and Standards Board

Part-time Basic Training (20 Ill Adm Code 1770)

Public Aid

General Assistance (89 Ill Adm Code 114) (Emergency)

ILLINOIS REGISTER

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 2, 1996 through July 8, 1996 and have been scheduled for review by the Committee at its July 23, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/15/96	Department of Rehabilitation Services, Centers for Independent Living (89 Ill Adm Code 385)	3/22/96 20 Ill Reg 4561	7/23/96
8/15/96	Department of Rehabilitation Services, Regional Centers for Independent Living (89 Ill Adm Code 385)	3/23/96 20 Ill Reg 4522	7/23/96
8/16/96	Department of Professional Regulation, Illinois Physical Therapy Act (68 Ill Adm Code 1343)	1/19/96 20 Ill Reg 1103	7/23/96
8/16/96	Department of Professional Regulation, Podiatric Medical Practice Act of 1987 (68 Ill Adm Code 1360)	5/17/96 20 Ill Reg 6655	7/23/96
8/16/96	Health Facilities Planning Board, Notice of Opportunity for Public Hearing and Public Hearing Procedures (77 Ill Adm Code 1200)	3/15/96 20 Ill Reg 4168	7/23/96
8/16/96	Department of Agriculture, Meat and Poultry Inspection Act (8 Ill Adm Code 125)	5/17/96 20 Ill Reg 6626	7/23/96
8/18/96	Department of Revenue, Income Tax (96 Ill Adm Code 100)	4/26/96 20 Ill Reg 6004	7/23/96
8/21/96	Department of Public Health, Local Health Protection Grant Rules (77 Ill Adm Code 616)	3/1/96 20 Ill Reg 3814	7/23/96

July 19, 1996

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PP - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PR - Peremptory or Court Ordered Rules
CC - Codification Changes	RR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR*
Q - Request for Correction	Y - JCAR Statement of Objections
RC - Expedited Corrections	MR - Modification and Refusal
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	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ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.
____1977____1978____1979____1980____1981____1982____1983____1984____1985____1986____
____1987____1988____1989____1990____1991____1992____1993____1994____1995____

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SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.
____1984____1985____1986____1987____1988____1989____

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TOTAL AMOUNT OF ORDER: \$_____
____CHECK____VISA____DISCOVER____CARD # :_____

EXPIRATION DATE:____SIGNATURE:_____
(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:_____

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

